

Interior, Environment, and Related Agencies: FY2013 Appropriations

Updated December 17, 2013

Congressional Research Service

<https://crsreports.congress.gov>

R42525

Summary

The Interior, Environment, and Related Agencies appropriations bill includes funding for the Department of the Interior (DOI), except for the Bureau of Reclamation, and for agencies within other departments—including the Forest Service within the Department of Agriculture and the Indian Health Service within the Department of Health and Human Services. It also includes funding for arts and cultural agencies, the U.S. Environmental Protection Agency, and numerous other entities.

Neither the House nor the Senate passed a regular appropriations bill for FY2013 for Interior, Environment, and Related Agencies. On July 10, 2012, the House Appropriations Committee reported H.R. 6091 (H.Rept. 112-589) with \$27.66 billion for Interior, Environment, and Related Agencies. If enacted, this level would have been a decrease of \$1.57 billion from the FY2012 level of \$29.23 billion and a decrease of \$2.07 billion from the Administration's FY2013 request of \$29.72 billion. While no regular appropriations bill was marked up or reported in the Senate, the bipartisan leadership of the Senate Appropriations Interior Subcommittee released a draft bill, together with a draft detailed funding table, on September 25, 2012. The draft would have provided \$29.72 billion for Interior, Environment, and Related Agencies, \$5.3 million lower than the President's request but \$489.8 million higher than the FY2012 appropriation and \$2.06 billion higher than the House committee-reported level in H.R. 6091.

Because no regular FY2013 Interior, Environment, and Related Agencies Appropriations bill was enacted prior to the beginning of the fiscal year, Congress first included funds for these agencies in a continuing appropriations resolution (CR, P.L. 112-175) through March 27, 2013. For accounts in the Interior bill, the CR generally continued funding at a level that was 0.612% higher than the FY2012 level.

P.L. 112-175 was superseded by a second law, the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). Enacted on March 26, 2013, the law provided full-year continuing appropriations for Interior, Environment, and Related Agencies through September 30, 2013. The Congressional Budget Office had estimated that, excluding the effects of sequestration, the law contained \$29.83 billion for Interior, Environment, and Related Agencies. However, appropriations in the law were reduced under the sequester order of the President, issued on March 1, 2013. That order implemented an across-the-board cut for (non-exempt, nondefense) discretionary funding, which was calculated based on a reduction of each account of about 5.0%; the accompanying report indicated a dollar amount of budget authority to be canceled from each account pursuant to that across-the-board cut. Appropriations in the law also were reduced by an across-the-board rescission of 0.2% under P.L. 113-6. The effect of these reductions on budgetary resources of agencies, accounts, and programs within Interior, Environment, and Related Agencies initially was unclear, but was subsequently determined. For final FY2013 appropriations for agencies, reflecting the sequester and across-the-board rescission, see CRS Report R43142, *Interior, Environment, and Related Agencies: FY2013 and FY2014 Appropriations*.

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Introduction

The annual Interior, Environment, and Related Agencies appropriations bill includes funding for agencies and programs in three separate federal departments, as well as numerous related agencies and bureaus. It provides funding for Department of the Interior (DOI) agencies (except for the Bureau of Reclamation, funded in Energy and Water Development appropriations laws), many of which manage land and other natural resource or regulatory programs. The bill also provides funds for agencies in two other departments—the Forest Service (FS) in the Department of Agriculture, and the Indian Health Service (IHS) in the Department of Health and Human Services—as well as funds for the U.S. Environmental Protection Agency (EPA). Further, the annual bill includes funding for arts and cultural agencies, such as the Smithsonian Institution, the National Endowment for the Arts, and the National Endowment for the Humanities, and for numerous other entities and agencies.

Prior to FY2006, the appropriations laws for Interior and Related Agencies provided funds for several activities within the Department of Energy (DOE), including research, development, and conservation programs; the Naval Petroleum Reserves; and the Strategic Petroleum Reserve. However, at the outset of the 109th Congress, these DOE programs were transferred to the jurisdiction of the House and Senate Appropriations subcommittees covering energy and water, to consolidate their jurisdiction over DOE.¹ These programs currently are funded in the annual Energy and Water Development appropriations bill. At the same time, jurisdiction over the EPA and several smaller entities was moved to the House and Senate Appropriations subcommittees covering Interior and related agencies,² and they are now funded in the annual Interior, Environment, and Related Agencies appropriations bill. This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies, which previously had jurisdiction over EPA.

Since FY2006, appropriations laws for Interior, Environment, and Related Agencies have contained three primary titles. This report is organized along these lines. The first section (Title I) provides information on Interior agencies; the second section (Title II) discusses EPA; and the third section (Title III) addresses other agencies, programs, and entities. A fourth section of this report discusses selected cross-cutting topics that encompass more than one agency.

Entries in this report are for major agencies (e.g., the National Park Service) and cross-cutting issues (e.g., Wildland Fire Management) that receive funding in the Interior, Environment, and Related Agencies appropriations bill. For each agency or issue, we discuss some of the key funding changes that appear to be of interest to Congress based on hearings on agency budgets and statements in Appropriations Committee reports, among other sources. We also address related policy issues that occur in the context of considering appropriations legislation. Appropriations are complex, and not all issues are summarized in this report. For example, budget submissions for some agencies number several hundred pages and contain innumerable funding, programmatic, and legislative changes for congressional consideration. Further, appropriations laws provide funds for numerous accounts, activities, and subactivities, and the accompanying explanatory statements provide additional directives and other important information. For information on programs funded in the bill but not directly discussed in this report, please contact the key policy staff members listed at the end of the report.

¹ These panels are now called the Subcommittees on Energy and Water Development.

² These panels are now called the Subcommittees on Interior, Environment, and Related Agencies.

In general, in this report the term *appropriations* represents total funds available, including regular annual and supplemental appropriations, as well as rescissions, transfers, and deferrals, but excludes mandatory spending authorities. The House Committee on Appropriations is the primary source of the funding figures used throughout the report. Other sources of information include the Senate Committee on Appropriations, agency budget justifications, and the *Congressional Record*. In the tables throughout this report, some columns of funding figures do not match the precise totals provided due to rounding.

Duration of Appropriations

Appropriations for accounts within annual Interior, Environment, and Related Agencies appropriations laws are available to be obligated for differing periods of time, depending on the nature and needs of the programs and activities funded. In general, appropriations in these laws are available only for the fiscal year covered by the act, unless otherwise specified. In recent practice, Interior appropriations laws have provided such one-year appropriations for several accounts. For instance, in the Consolidated Appropriations Act, 2012 (P.L. 112-74), the appropriation to the National Park Service for its National Recreation and Preservation account was for FY2012 only, as the law did not specify a different period of availability: “For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$59,975,000.”

However, many accounts within the annual Interior, Environment, and Related Agencies appropriations laws have contained appropriations for longer periods of availability, involving multiple fiscal years. For example, the appropriation in P.L. 112-74 to the Office of Surface Mining Reclamation and Enforcement for its Regulation and Technology account was provided for FY2012 and FY2013. The law provided, in part: “For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, \$122,950,000, to remain available until September 30, 2013.” For accounts available for two years, appropriations may be carried over from the first fiscal year to the second, and must be obligated by the end of the second year.

Many other accounts have contained appropriations that were available for obligation without fiscal year limitation, often referred to as “no-year appropriations.” Such appropriations typically were “to remain available until expended.” For these accounts, appropriations may be carried over from fiscal year to fiscal year with no deadline for obligation. In P.L. 112-74, the appropriation to the Fish and Wildlife Service for its Construction account provides an example of no-year appropriations: “For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$23,088,000, to remain available until expended.”³

³ For information on the duration of appropriations, see U.S. General Accounting Office (now U.S. Government Accountability Office), *Principles of Federal Appropriations Law*, 3rd ed., vol. I, GAO-04-261SP, January 2004, pp. 5-3 through 5-9, on the agency’s website at <http://www.gao.gov/special.pubs/d04261sp.pdf>.

FY2013

Budget Control Act⁴

FY2013 discretionary appropriations were considered in the context of the Budget Control Act of 2011 (BCA, P.L. 112-25), which established discretionary spending limits for FY2012-FY2021. The BCA also tasked a Joint Select Committee on Deficit Reduction to develop a federal deficit reduction plan for Congress and the President to enact by January 15, 2012. Because deficit reduction legislation was not enacted by that date, an automatic spending reduction process established by the BCA was triggered; this process consisted of a combination of sequestration and lower discretionary spending caps, initially scheduled to begin on January 2, 2013. The “joint committee” sequestration process for FY2013 required the Office of Management and Budget (OMB) to implement across-the-board spending cuts at the account and program level to achieve equal budget reductions from both defense and nondefense funding at a percentage to be determined, under terms specified in the Balanced Budget and Emergency Deficit Control Act of 1985,⁵ as amended by the BCA.

The American Taxpayer Relief Act (ATRA, P.L. 112-240), enacted on January 2, 2013, made a number of significant changes to the procedures in the BCA. First, the date for the joint committee sequester to be implemented was delayed for two months, until March 1, 2013. Second, the dollar amount of the joint committee sequester was reduced by \$24 billion. Third, statutory caps on discretionary spending for FY2013 (and FY2014) were lowered.⁶

Pursuant to the BCA, as amended by ATRA, President Obama ordered that the joint committee sequester be implemented on March 1, 2013.⁷ The accompanying OMB report indicated a dollar amount of budget authority to be canceled from each account containing non-exempt funds.⁸ Because the sequester was implemented at the time that a temporary continuing resolution was in force, the reductions were calculated on an annualized basis and were to be apportioned throughout the remainder of the fiscal year.⁹ The sequester ultimately was applied at the program, project, and activity (PPA) level within each account, under subsequent OMB guidance.

FY2013 Full-Year Continuing Appropriations, P.L. 113-6

No regular FY2013 Interior, Environment, and Related Agencies Appropriations bill was enacted prior to the beginning of the fiscal year on October 1, 2012. Accordingly, Congress first included

⁴ This section was prepared with the assistance of Jessica Tollestrup, Analyst on Congress and the Legislative Process, 7-0941.

⁵ BBEDCA, Title II of P.L. 99-177, 2 U.S.C. 900-922. For information on the Budget Control Act, see CRS Report R41965, *The Budget Control Act of 2011*, by Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan.

⁶ For further information on the changes to the BCA procedures made by ATRA, see CRS Report R42949, *The American Taxpayer Relief Act of 2012: Modifications to the Budget Enforcement Procedures in the Budget Control Act*, by Bill Heniff Jr.

⁷ White House, President Obama, *Sequestration Order for Fiscal Year 2013 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, As Amended*, March 1, 2013, available at <http://www.whitehouse.gov/sites/default/files/2013sequestration-order-rel.pdf>.

⁸ Executive Office of the President, Office of Management and Budget, *OMB Report to the Congress on the Joint Committee Sequestration for Fiscal Year 2013*, March 1, 2013, available at http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/fy13ombjcsequestrationreport.pdf.

⁹ For general information on continuing resolutions, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

funds for these agencies in a continuing appropriations resolution (CR, P.L. 112-175) through March 27, 2013. (See below under “FY2013 Part-Year Continuing Appropriations, P.L. 112-175.)

This part-year CR was superseded by the Consolidated and Further Continuing Appropriations Act, 2013 (P.L. 113-6). Enacted on March 26, 2013, the law provided full-year continuing appropriations for Interior, Environment, and Related Agencies through September 30, 2013. However, appropriations provided in the FY2012 Interior appropriations law (Division E, P.L. 112-74) that had multi-year or no-year availability maintain a comparable period of availability for the new FY2013 funds.

The Congressional Budget Office had estimated that, excluding the effects of sequestration, P.L. 113-6 contained \$29.83 billion for Interior, Environment, and Related Agencies. However, appropriations in the law were reduced under the sequester order of the President, issued on March 1, 2013. That order implemented an across-the-board cut for (non-exempt, nondefense) discretionary funding, which was calculated based on a reduction of each account of about 5.0%; the accompanying report indicated a dollar amount of budget authority to be canceled from each account pursuant to that across-the-board cut. In addition, appropriations in P.L. 113-6 were reduced by an across-the-board rescission of 0.2% under P.L. 113-6. The effect of these reductions on budgetary resources of agencies, accounts, and programs within Interior, Environment, and Related Agencies initially was unclear, pending guidance from OMB as to how they would be applied. For this reason, sections of this report on agencies in the Interior bill were not updated to reflect final FY2013 appropriations for accounts and programs.¹⁰ For information on final appropriations for agencies for FY2013, reflecting the sequester and the across-the-board rescission, see CRS Report R43142, *Interior, Environment, and Related Agencies: FY2013 and FY2014 Appropriations*.

Under P.L. 113-6, most accounts in the Interior bill were funded at the FY2012 level, under the terms and conditions in the FY2012 appropriations law (Division E, P.L. 112-74, including the across-the-board rescission of 0.16%). This provision extended for FY2013 many of the provisions in the FY2012 law that stipulated or limited agency authority during FY2012. However, exceptions to this general approach, often referred to as “anomalies,” were provided for the appropriations for about two dozen accounts within Interior, Environment, and Related Agencies. For instance, funding anomalies were included for certain accounts within DOI agencies, EPA, FS, IHS, and the Smithsonian Institution, among other agencies. Again, the President’s sequester order of March 1, 2013, is being applied to the funding in P.L. 113-6.

Other provisions of P.L. 113-6 would rescind previous appropriations or authorities. Specifically, the law rescinded \$7.5 million in funding for DOI Wildland Fire Management; various levels of funding for specified EPA accounts/programs; and \$30.0 million in contract authority for acquisitions under the Land and Water Conservation Fund.

Still other provisions in P.L. 113-6 affected particular authorities and activities of agencies in the Interior, Environment, and Related Agencies appropriations bill. Among others, these provisions made changes regarding the collection of mining claim maintenance fees; extended the authority of national heritage areas to receive federal assistance; provided authority for the EPA Administrator to assess pesticide registration service fees under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); clarified the amounts available to fund contract support costs of the Indian Health Service and the Bureau of Indian Affairs; extended the authority for the Forest Service for cost recovery for processing rights-of-way and other special use authorizations;

¹⁰ The body of this report focuses on the FY2013 regular appropriations bill reported by the House Appropriations Committee, H.R. 6091, as this was the only formal congressional action on a regular Interior appropriations bill.

and banned, for 180 days, funds in the law from being used for enforcement, with regard to any farm, of EPA's Spill, Prevention, Control, and Countermeasure rule.

The law also contained two reporting requirements. First, it gave many departments and major agencies 30 days following enactment to submit plans to the Appropriations Committees specifying how funds would be allocated below the account level. These plans are to be at the program, project, or activity level, or at a greater level of detail. Further, they are to reflect the reductions made under the sequester order of the President. Second, the law required OMB to submit to the Appropriations Committees monthly reports (through November 1, 2013) on FY2013 obligations incurred by each department/agency. The reports are to compare obligations in FY2013 with obligations during the same period in FY2012.

FY2013 Part-Year Continuing Appropriations, P.L. 112-175

Previously, a part-year CR was enacted for roughly the first half of the fiscal year (through March 27, 2013). Under P.L. 112-175, accounts in the Interior bill were generally funded at a level that was 0.612% higher than the FY2012 level.

Exceptions to this level of funding were provided for Wildland Fire Management by the Department of the Interior and the Forest Service. Section 140 of the law provided a rate of operations of \$726.5 million for DOI Wildland Fire Management. This amount was equivalent to the FY2013 President's budget request (excluding the request for the FLAME account). It also contained \$23.0 million for DOI to repay accounts from which funds were transferred in FY2012 to suppress wildfires. Section 141 provided a rate of operations of \$1.97 billion for FS Wildland Fire Management. This was equivalent to the FY2013 President's budget request (excluding the request for the FLAME account). It also contained \$400.0 million for the FS to repay accounts from which funds were transferred in FY2012 to suppress wildfires.

In other respects, the part-year CR was similar, although not identical, to the full-year CR that is currently in effect. For instance, P.L. 112-175 also generally provided funding at the account level, under the terms and conditions as contained in the FY2012 Interior, Environment, and Related Agencies appropriations law. It directed departments and agencies to report to the Appropriations Committees on how funds would be allocated below the account level. It further directed OMB to submit monthly reports on FY2013 obligations by each department and agency. It also did not affect the application of a sequester order by the President.

Sections 142-144 of P.L. 112-175 contained provisions affecting particular programs or activities of agencies in the Interior bill. Section 142 amended the funding formula in the Surface Mining Control and Reclamation Act (SMCRA) that determines payments to eligible coal production states from the Abandoned Mine Reclamation Fund. This change in the formula would reverse the potential effect that the new limitation on payments to "certified" states would have on the payments that "noncertified" states receive.¹¹ Section 100125 of the Moving Ahead for Progress in the 21st Century Act (MAP-21, P.L. 112-141) included a new \$15 million annual limitation on payments to certified states as an offset for federal surface transportation spending. Payments to certified states are linked in existing law under SMCRA to a portion of the payments that noncertified states receive, which had raised concern among some Members of Congress and affected states.

¹¹ Noncertified states have not met all of their coal reclamation priorities, whereas certified states have met all of their coal reclamation priorities and may use their payments for the reclamation of hardrock mining sites and other related purposes.

Section 143 extended the authority of the Forest Service for cost recovery for processing rights-of-way and other special use authorizations (through March 27, 2013).¹² The Administration had sought permanent cost recovery authority in its FY2013 budget request.¹³

Section 144 amended FIFRA to extend the authorization for EPA to collect and expend pesticide registration fees (through March 27, 2013). It also amended the Federal Food, Drug, and Cosmetic Act (FFDCA) to continue the existing prohibition on EPA's collection of pesticide tolerance fees (through March 27, 2013). The FY2013 President's budget request had recommended the reauthorization of pesticide registration fees, but at increased levels to pay a greater portion of EPA's program operating costs in order to reduce the reliance on discretionary appropriations. The CR reauthorized the fees at existing rates under current law in FIFRA and FFDCA. Subsequently, the Pesticide Registration Improvement Extension Act of 2012 (P.L. 112-177) reauthorized pesticide registration fees and continued the prohibition on pesticide tolerance fees through FY2017, and revised the existing fee structure.

Earlier Action

Administration's Request

For FY2013, the Administration requested a total of \$29.72 billion for Interior, Environment, and Related Agencies, an increase of \$495.1 million (1.7%) from the FY2012 level of \$29.23 billion. The Administration proposed level funding for some agencies, but increases or decreases for others. Additional funds were proposed for the Forest Service, \$255.2 million (6%); Indian Health Service, \$115.9 million (3%); Smithsonian Institution, \$46.6 million (6%); U.S. Geological Survey (DOI), \$34.5 million (3%); and Bureau of Safety and Environmental Enforcement (DOI), \$20.0 million (26%). The proposed decreases included the Fish and Wildlife Service (DOI), with \$128.0 million (9%) less; Environmental Protection Agency, \$104.9 million (1%) less; and Office of Surface Mining Reclamation and Enforcement (DOI), \$9.5 million (6%) less.

House Bill as Reported by the House Committee on Appropriations

The House Appropriations Committee reported a regular appropriations bill for Interior, Environment, and Related Agencies, but Congress did not take subsequent action on an FY2013 regular appropriations bill. As reported by the House Committee on Appropriations, H.R. 6091 (H.Rept. 112-589) contained \$27.66 billion for Interior, Environment, and Related Agencies for FY2013. This would have been a decrease of \$1.57 billion (5.4%) from the FY2012 level of \$29.23 billion. The committee-reported bill included funding at the same level as FY2012 for some agencies, such as the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. For other agencies, the bill would have increased funds over FY2012. The proposed additional amounts were \$186.9 million (4.3%) for the Indian Health Service, \$86.0 million (1.9%) for the Forest Service, and \$36.8 million (1.5%) for the Bureau of Indian Affairs. The committee-

¹² The FS Special Use Program processes applications and issues authorizations to use the federal lands within its jurisdiction for a wide variety of purposes. There have been discussions about whether the FS is properly issuing authorizations, monitoring special use sites, and charging fees based on the fair market value. For more information, see USDA OIG, *Forest Service Administration of Special Use Program*, June 2011, <http://www.usda.gov/oig/webdocs/08601-55-SF.pdf>.

¹³ See FS Chief Tom Tidwell's testimony for U.S. Congress, House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, *Oversight Hearing on "Effect of the President's FY 2013 Budget and Legislative Proposals for the Bureau of Land Management and the U.S. Forest Service's Energy and Minerals Programs on Private Sector Job Creation, Domestic Energy and Minerals Production and Deficit Reduction,"* 112th Cong., 2nd Sess., March 20, 2012, p. 6.

reported bill proposed decreases from FY2012 for still other agencies, for instance, \$1.39 billion (16.5%) less for the Environmental Protection Agency, \$316.6 million (21.5%) less for the Fish and Wildlife Service, \$134.4 million (5.2%) less for the National Park Service, and \$101.0 million (9.5%) less for the U.S. Geological Survey.

The committee-reported bill would have been a decrease of \$2.07 billion (6.9%) from the Administration's FY2013 request of \$29.72 billion. The bill would have provided higher levels of funding for a few major agencies relative to the Administration's request, notably an additional \$71.0 million (1.6%) for the Indian Health Service, \$41.4 million (1.6%) for the Bureau of Indian Affairs, and \$9.5 million (6.7%) for the Office of Surface Mining Reclamation and Enforcement. However, the bill would have provided most major agencies with less funding than under the Administration's request, including \$1.29 billion (15.5%) less for the Environmental Protection Agency, \$188.6 million (14.0%) less for the Fish and Wildlife Service, \$169.2 million (3.5%) less for the Forest Service, \$135.5 million (12.3%) less for the U.S. Geological Survey, \$133.5 million (5.2%) less for the National Park Service, and \$67.7 million (7.9%) less for the Smithsonian Institution.

The House committee-reported bill and accompanying report addressed diverse issues affecting multiple agencies. Some of the broader issues addressed in bill or report language are covered in relevant sections throughout this report, while others are discussed below.

H.R. 6091 as reported by committee would have continued a provision in the FY2012 law to require DOI agencies, EPA, FS, and IHS to report quarterly to the House and Senate Appropriations Committees on balances of appropriations. The reports were to identify balances that are uncommitted, committed, and unobligated for each program and activity. In support of the provision for FY2012, the House Appropriations Committee had expressed interest in knowing not only what levels of funding remain from previous years, but the source year of those funds, in order to ascertain whether appropriations have been provided in excess of need or whether administrative inefficiencies have impeded the expenditure of funds.¹⁴

Other reporting requirements were included in the committee report on H.R. 6091. For instance, the House committee sought to continue a reporting requirement from FY2012 pertaining to the costs of litigation related to agency actions. It directed DOI agencies, EPA, and FS to report to the Appropriations Committees, and make publicly available, information on payments of attorney fees and expenses under the Equal Access to Justice Act (EAJA).¹⁵ The House Committee expressed concern that the costs of litigation are shifting agency funding away from priority programs and that agencies are unable to account for these costs. The information was to include the amount of program funds used and the names and hourly rates of fee recipients, among other information. The committee also directed these agencies to report the same information for non-EAJA settlements with litigants.¹⁶

The committee-reported bill would have prohibited funds from being used for the National Ocean Policy developed under Executive Order 13547. It would have required the President to report to the Appropriations Committees, no later than 60 days following the submission of the President's FY2014 budget request, on FY2011 and FY2012 expenditures related to the policy. Expenditures were to be provided by agency, account, and subaccount and were to reflect the costs of

¹⁴ H.Rept. 112-151 on H.R. 2584, pp. 5-6.

¹⁵ 28 U.S.C. §2412; 5 U.S.C. §504. For more information on the payment of attorneys' fees by agencies, see CRS Report 94-970, *Awards of Attorneys' Fees by Federal Courts and Federal Agencies*, by Henry Cohen, or contact Vivian Chu at 7-4576.

¹⁶ H.Rept. 112-589 on H.R. 6091, pp. 6-7.

developing, administering, and implementing the policy. Further, the President was to identify, in the FY2014 request, funding for implementing the policy. The committee expressed that the provision was intended to allow Congress “to ascertain the potentially far-reaching impacts of this new policy ... and to direct the Administration to fully account for Federal funding spent to date.”¹⁷

The bill also contained a provision to extend mandatory funding for the Payments in Lieu of Taxes Program (PILT) for FY2013. However, in light of the enactment of a provision providing a one-year extension of the mandatory funding for PILT (in P.L. 112-141), the Congressional Budget Office no longer scores H.R. 6091 with the effects of the PILT extension.¹⁸

The report of the House Appropriations Committee contained additional views, recommendations, and direction affecting multiple agencies. For instance, the committee asserted that at least 51 agencies or programs within the bill (as reported) “remain unauthorized or have an expired Congressional authorization of appropriations.” The committee recommended a total appropriation of approximately \$6 billion for these agencies and programs, but expressed that for some “unauthorized programs” it had limited or discontinued funding for FY2013 and that it might continue to do so in the future. The committee urged the authorizing committees to expeditiously reauthorize these agencies and programs and encouraged interested parties to work with the authorizing committees on securing authorizations.¹⁹ An authorizing measure can establish, continue, or modify an agency or program for a fixed or indefinite period of time. It also may set forth the duties and functions of an agency or program, its organizational structure, and the responsibilities of agency or program officials. Authorizing legislation also authorizes the enactment of appropriations for an agency or program. The amount authorized to be appropriated may be specified for each fiscal year or may be indefinite (providing “such sums as may be necessary”). The authorization of appropriations is intended to provide guidance regarding the appropriate amount of funds to carry out the authorized activities of an agency.²⁰

Senate Subcommittee on Interior, Environment, and Related Agencies

The Senate Appropriations Committee’s Subcommittee on Interior, Environment, and Related Agencies held hearings on appropriations requests of several agencies. While no bill to appropriate funds for FY2013 was marked up and reported by the Senate committee, on September 25, 2012, the bipartisan leadership of the subcommittee released a draft FY2013 bill and a draft detailed funding table.²¹ The draft contained \$29.72 billion for Interior, Environment, and Related Agencies, \$5.3 million (<0.1%) lower than the President’s request but \$489.8 million (1.7%) higher than the FY2012 appropriation and \$2.06 billion (7.4%) higher than the House committee-reported level in H.R. 6091. The Senate subcommittee draft would have provided higher levels of funding than the House committee-reported bill for nearly every major agency, with exceptions being the Office of Surface Mining Reclamation and Enforcement, Bureau of

¹⁷ H.Rept. 112-589 on H.R. 6091, p. 10. For information on the National Ocean Policy, see the Administration’s website at <http://www.whitehouse.gov/administration/eop/ceq/initiatives/oceans>.

¹⁸ CBO estimated the cost of the PILT extension at \$398.0 million when H.R. 6091 was ordered reported by the Committee on House Appropriations (June 27, 2012). See H.Rept. 112-589 on H.R. 6091, pp. 164-165. For further information on PILT, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

¹⁹ H.Rept. 112-589 on H.R. 6091, pp. 7-8.

²⁰ This text on authorizing measures is derived from CRS Report RS20371, *Overview of the Authorization-Appropriations Process*, by Bill Heniff Jr.

²¹ The draft bill, draft detailed funding table, and a related press release, are on the website of the Senate Appropriations Committee at <http://www.appropriations.senate.gov/news.cfm>.

Indian Affairs, Indian Health Service, and DOI Department-Wide Programs (in particular, Wildland Fire Management).

Major Issues

Congress typically debates a variety of funding and policy issues when considering each year's regular appropriations legislation. Recent issues have included regulatory actions of the Environmental Protection Agency, energy development onshore and offshore, wildland fire fighting, royalty relief, Indian trust fund management, climate change, DOI science programs, endangered species, wild horse and burro management, and agency reorganizations. Other issues have included appropriate funding levels for Bureau of Indian Affairs law enforcement and education; Indian Health Service construction and contract health services; wastewater/drinking water needs; the arts; land acquisition through the Land and Water Conservation Fund; and the Superfund program.

Among the major issues that arose during hearings and debates on FY2013 appropriations and on earlier appropriations bills, which are discussed in subsequent sections of this report, are (in alphabetical order) the following:

- *Clean Water and Drinking Water State Revolving Funds*, especially the adequacy of funding to meet state and local wastewater and drinking water needs. These state revolving funds provide seed money for state loans to communities for wastewater and drinking water infrastructure projects. (For more information, see the section of this report on "Title II: Environmental Protection Agency.")
- *Endangered Species*, including the provision or elimination of funding for the addition of new species for protection (listing) under the Endangered Species Act and designation of their critical habitat. (For more information, see the "Fish and Wildlife Service" section in this report.)
- *EPA Regulatory Actions*, notably whether to provide or restrict funding for implementation of pending and promulgated regulations that cut across various environmental pollution control statutes, including those that address greenhouse gas emissions. (For more information, see the section of this report on "Title II: Environmental Protection Agency.")
- *Indian Health Service*, particularly the appropriate level of funding for new programs included in the reauthorization of the Indian Health Care Improvement Act. (For more information, see the section of this report on "Department of Health and Human Services: Indian Health Service.")
- *Land Acquisition*, including the amount of funding for the Land and Water Conservation Fund for federal land acquisition and for the state grant program, and the extent to which the fund should be used for activities not involving land acquisition. (For more information, see the "Land and Water Conservation Fund (LWCF)" section in this report.)
- *Outer Continental Shelf Leasing*, particularly preleasing and leasing activities in offshore areas and the appropriate level of funding for agencies to address regulatory, safety, and compliance issues related to development of energy and minerals resources in the Outer Continental Shelf. (For more information, see the section of this report on the "Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and Office of Natural Resources Revenue.")

- *Superfund*, notably the adequacy of proposed funding to meet hazardous waste cleanup needs, and whether to continue using general Treasury revenues to fund the account or reinstate a tax on industry that originally paid for most of the program. (For more information, see the section of this report on “Title II: Environmental Protection Agency.”)

FY2004-FY2012

Table 1 shows appropriations for Interior, Environment, and Related Agencies for FY2004-FY2012. The FY2012 appropriation represented a \$1.90 billion increase (7.0%) over the FY2004 level in current dollars, and a \$2.87 billion decrease (8.9%) in constant dollars.²² See **Table 19** at the end of this report for a detailed budgetary history (by agency) for FY2008-FY2012.

Funding for earlier years is not readily available due to changes in the makeup of the Interior appropriations bill. Further, although full-year continuing funding has been enacted for FY2013, the effect of reductions under the President’s sequester order of March 1, 2013, remains unclear. For these reasons, **Table 1** covers the nine-year period from FY2004 to FY2012.

Table 1. Interior, Environment, and Related Agencies Appropriations, FY2004-FY2012

(\$ in billions)

	FY2004	FY2005	FY2006	FY2007	FY2008	FY2009 Omnibus	FY2009 Stimulus	FY2009 Total	FY2010	FY2011	FY2012
Current Dollars	27.33	27.02	25.94	27.40	28.42	27.59	10.95	38.79 ^a	32.32	29.61	29.23
Constant 2011 Dollars ^b	32.10	30.72	28.56	29.31	29.75	28.62	11.36	40.24 ^a	33.20	29.97	29.23

Note: These figures exclude permanent budget authorities, and generally do not reflect scorekeeping adjustments. They generally reflect rescissions and supplemental appropriations to date, except that the FY2006 figure does not reflect supplementals. The FY2007 figure includes \$425.0 million for Secure Rural Schools.

- These figures are the sum of the FY2009 omnibus and FY2009 stimulus appropriations, plus an additional \$250.0 million in wildland fire appropriations included in P.L. 111-32.
- These figures are based on the Congressional Budget Office’s (CBO’s) inflation projections of 1.5% for 2011 and 1.2% for 2012, at <http://www.cbo.gov/doc.cfm?index=12316>.

Status of Bill

Table 2 reflects action on FY2013 Interior, Environment, and Related Agencies Appropriations legislation. H.R. 6091, which was not enacted, contained regular appropriations for Interior, Environment, and Related Agencies. P.L. 112-175 provided part-year continuing appropriations through March 27, 2013, and P.L. 113-6 provided full-year continuing appropriations through September 30, 2013.

²² These calculations use the Congressional Budget Office’s inflation projections of 1.5% for 2011 and 1.2% for 2012.

Table 2. Status of Interior, Environment, and Related Agencies Appropriations, FY2013

Subcommittee Markup		H. Com. Report	House Passage	S. Com. Report	Senate Passage	Conf. Report	Conference or Amendment Exchange		Public Law
House	Senate						House	Senate	
06/20/12	—	H.R. 6091 (H.Rept. 112-589); 07/10/12	—	—	—	—	—	—	—
—	—	—	H.J.Res. 117 09/13/12	—	H.J.Res. 117 09/22/12	—	—	—	H.J.Res. 117 09/28/12 P.L. 112-175
—	—	—	H.R. 933 03/06/13	—	H.R. 933 03/20/13	—	H.R. 933 03/21/13 House Agreed to Senate Amendment	—	H.R. 933 03/26/13 P.L. 113-6

Title I: Department of the Interior

Bureau of Land Management²³

Overview

The Bureau of Land Management (BLM) manages approximately 248 million acres of public land for diverse and sometimes conflicting uses, such as energy and minerals development, livestock grazing, recreation, and preservation. The agency also is responsible for about 700 million acres of federal subsurface mineral estate throughout the nation, and supervises mineral operations on an estimated 56 million acres of Indian Trust lands.

For FY2013, the House Appropriations Committee approved \$1.074 billion for BLM, a \$39.7 million decrease (4%) from the FY2012 appropriation (\$1.114 billion) and a \$34.2 million (3%) decrease from the Administration's FY2013 request (\$1.108 billion). **Table 3** identifies funding for BLM accounts.

²³ For more information on BLM funding, congressional clients may contact Carol Hardy Vincent.

Table 3. Appropriations for the Bureau of Land Management (BLM), FY2012-FY2013
(\$ in millions)

Bureau of Land Management	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Management of Lands and Resources	946.1	932.7	927.4
Construction	3.6	0	0
Land Acquisition	22.3	33.6	6.7
Oregon and California Grant Lands	111.9	112.0	110.0
Range Improvements	10.0	10.0	10.0
Service Charges, Deposits, and Forfeitures ^a	0	0	0
Miscellaneous Trust Funds and Permanent Operating Funds	19.7	19.7	19.7
Total Appropriations	1,113.5	1,108.0	1,073.9

a. The figures of "0" are a result of an appropriation matched by offsetting fees.

Management of Lands and Resources

Management of Lands and Resources includes funds for an array of BLM land programs, including protection, recreational use, improvement, development, disposal, and general BLM administration. For this account, the FY2013 House committee-reported level was \$927.4 million, \$18.7 million less than the FY2012 appropriation (\$946.1 million) and \$5.4 million less than the Administration's FY2013 request (\$932.7 million). The House Committee supported various increases and decreases relative to FY2012 for activities and programs funded by this account. Among the committee-supported increases were funds for managing wildlife, range, and energy and minerals and for resource management planning, as noted below.

- Wildlife management would have increased by \$15.3 million, as requested by the President, from \$36.9 million to \$52.2 million. The increase was intended for the implementation of sage grouse conservation activities in an attempt to prevent the listing of the species for protection under the Endangered Species Act.
- Range management, which focuses on livestock grazing on 158 million acres of BLM land, would have increased by \$2.6 million, from \$87.4 million to \$90.0 million. By contrast, the Administration proposed a decrease to \$72.3 million, to be offset in part through a proposed grazing administration fee of \$1 per animal unit month (AUM).²⁴ The committee did not support the proposed fee, and directed the agency to report on potential cost recovery based on permit administration costs rather than AUM.²⁵ The committee-reported bill included provisions relating to livestock grazing. One provision would have extended the maximum term for BLM and FS grazing permits and leases from 10 to 20 years. Another provision would have made permanent a provision of law providing for the automatic renewal of BLM and Forest Service grazing permits and leases that expire (or are transferred or waived) until the permit renewal process is

²⁴ For grazing fee purposes, an animal unit month (AUM) is defined as a month's use and occupancy of the range by one animal unit, which includes one yearling, one cow and her calf, one horse, or five sheep or goats.

²⁵ H.Rept. 112-589 on H.R. 6091, p. 13.

completed under applicable laws and regulations, including any necessary environmental analyses. The current provision is in effect through FY2013.

- Energy and minerals management would have increased by \$23.2 million, from \$107.6 million in FY2012 to \$130.9 million in FY2013. This increase is attributable primarily to additional funding for oil and gas management. The President sought \$92.9 million in appropriations and an additional \$48.0 million to be derived from a new fee on industry for oil and gas inspections (for a total of \$140.9 million). The committee did not approve of this proposed fee. Also, while the President sought an increase of \$7.1 million for renewable energy, the committee supported a \$2.9 million decrease to \$16.8 million. Further, in its report the committee expressed that BLM “must address the role that delays in permitting of mining activities, including the Department’s overly cumbersome Federal Register clearance process, play in hindering the ability to develop domestic sources.”²⁶
- Resource management planning would have increased by \$4.7 million, as recommended by the President, from \$38.1 million to \$42.7 million. The increase was to be used for revising, evaluating, and implementing BLM land management plans. These plans govern uses of BLM lands and are revised to reflect changing uses, conditions, and priorities.

Among the committee-supported decreases were funds for wild horses and burros, recreation, the National Landscape Conservation System, and the Alaska conveyance program, as noted below.

- Wild horse and burro management would have decreased by \$10.8 million, from \$74.9 million to \$64.1 million. The committee expressed concern about the increased costs of the program. The Administration requested an increase to \$77.1 million to research and develop methods of contraception to reduce population growth. Also, the House committee-reported bill would have retained the prohibition in the FY2012 appropriations law on using funds for the slaughter of healthy, unadopted wild horses and burros under BLM management, or for the sale of wild horses and burros that results in their slaughter for processing into commercial products. The Administration also supported this funding prohibition.
- Recreation management would have decreased by \$6.6 million, from \$67.5 million to \$60.9 million. The President sought an increase to \$70.3 million, primarily for managing wild and scenic rivers, national scenic and historic trails, and off-highway vehicles. Also, the House committee-reported bill included a provision to bar funds (in the bill or other acts) from being used to prohibit the use of, or access to, BLM and FS land for hunting, fishing, or recreational shooting, provided the use/access was not prohibited on January 1, 2012, and was in compliance with the pertinent land management plan. However, the provision authorizes the Secretary of the Interior and the Secretary of Agriculture to temporarily close federal land to hunting, fishing, or recreational shooting under certain circumstances.
- National Landscape Conservation System base funding would have decreased by \$11.8 million, from \$31.8 million to \$20.0 million. The President proposed an increase to \$35.1 million. The funds are used for managing BLM’s protected areas, including national monuments, national conservation areas, and BLM

²⁶ H.Rept. 112-589 on H.R. 6091, p. 16.

wilderness. This system also receives funding from other BLM programs. Also, the House committee-reported bill would have continued to prohibit the use of funds from being used to implement an order of the Secretary of the Interior (No. 3310) pertaining to the protection of wilderness characteristics on BLM lands.²⁷

- The Alaska conveyance program would have decreased by \$12.3 million, as recommended by the President, from \$29.1 million to \$16.7 million. The Administration proposed the decrease as part of an effort to reevaluate and streamline the land conveyance process. The BLM is required by law to transfer ownership of about 150 million acres of federal lands to the state of Alaska, Alaska Natives, and Alaska Native corporations, most of which have already been conveyed.

Construction

The committee-reported bill concurred with the Administration's proposal to eliminate BLM's Construction account in FY2013. Under the Administration's proposal, construction projects would be funded through the Management of Lands and Resources account, although the request did not propose specific construction projects to be funded through this account. The FY2012 appropriation for construction was \$3.6 million, the lowest funding level in at least a decade.

Land Acquisition

For land acquisition by the BLM, the House Appropriations Committee provided \$6.7 million for FY2013, \$15.6 million less than the FY2012 appropriation of \$22.3 million and \$26.8 million less than the Administration's request of \$33.6 million. The funding would have been used for recreational access to BLM lands, as requested by the President, as well as for the acquisition of inholdings and the costs of program management. By contrast, most of the funding requested by the Administration was for 12 specific acquisition projects in nine states. The appropriation for BLM acquisitions has fluctuated over the past decade from a high of \$33.2 million in FY2003 to a low of \$8.6 million for both FY2006 and FY2007. Money for land acquisition is appropriated from the Land and Water Conservation Fund. (For more information, see the "Land and Water Conservation Fund (LWCF)" section of this report.)

Fish and Wildlife Service²⁸

The Fish and Wildlife Service (FWS) is responsible for implementing the Endangered Species Act, managing the National Wildlife Refuge System for wildlife habitats and appropriate uses, conserving migratory birds, administering grants to aid state fish and wildlife programs, and coordinating with state and other federal agencies on fish and wildlife issues. In H.R. 6091, the House Appropriations Committee approved \$1.16 billion for FY2013, down \$316.6 million (21%) from the FY2012 level of \$1.48 billion. The President requested \$1.55 billion for comparable programs for FY2013. The President's total request for the FWS for FY2013 was \$1.35 billion, reflecting a cancelation of \$200.0 million in unobligated balances for the Coastal Impact Assistance Program (CIAP). The committee-reported level was 14% less (\$188.6 million)

²⁷ For more information, see CRS Report R41610, *Wilderness: Legislation and Issues in the 113th Congress*, by Katie Hoover, Kristina Alexander, and Sandra L. Johnson.

²⁸ For more information on FWS funding, congressional clients may contact M. Lynne Corn. In addition, for more detail on FWS appropriations and a discussion of FWS policy issues that arise in an appropriations context, see CRS Report R42466, *Fish and Wildlife Service: FY2013 Appropriations and Policy*, by M. Lynne Corn.

than the Administration's request of \$1.35 billion.²⁹ The committee did not support the cancellation of the \$200.0 million in CIAP balances. With a few exceptions, the committee's proposed changes in accounts and activities relative to FY2012 ranged from elimination (-100%) to a decrease of 6%.³⁰ (See **Table 4**.)

By far the largest portion of the FWS annual appropriation is for the Resource Management account, for which the House Committee approved \$1.04 billion, down \$185.7 million (15%) from the \$1.23 billion for FY2012. The committee-reported level was 17% less (\$206.6 million) than the Administration's requested \$1.25 billion. Among the programs included in Resource Management are endangered species, the Refuge System, law enforcement, fisheries, and cooperative landscape conservation and adaptive science. Selected accounts and programs are discussed below.

Table 4. Appropriations for the Fish and Wildlife Service (FWS), FY2012-FY2013

	(\$ in millions)		
	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Fish and Wildlife Service			
Resource Management	1,226.2	1,247.0	1,040.5
—Endangered Species	176.0	179.7	134.0
—Habitat Conservation	110.6	112.4	89.6
—Environmental Contaminants	13.1	14.4	11.2
—National Wildlife Refuge System	485.7	494.8	437.4
—Migratory Birds, Law Enforcement, and International Conservation	126.6	128.0	107.0
—Fisheries and Aquatic Resource Conservation	135.3	131.6	127.2
—Cooperative Landscape Conservation and Adaptive Science	32.2	33.1	3.0
—General operations	146.7	153.0	131.1
Construction	23.1	19.1	17.8
Land Acquisition	54.6	106.9	15.0
Cooperative Endangered Species Conservation Fund	47.7	60.0	14.1
National Wildlife Refuge Fund	14.0	0	12.0
North American Wetlands Conservation Fund	35.5	39.4	22.3
Neotropical Migratory Bird Conservation Fund	3.8	3.8	1.9
Multinational Species Conservation Fund	9.5	10.0	4.7

²⁹ For the FY2012 budget cycle, CIAP was transferred from the Bureau of Ocean Energy Management, Regulation, and Enforcement (also in DOI) to FWS. (See "Coastal Impact Assistance Program" below.)

³⁰ A few subaccounts (below the level of detail in the table shown here) were proposed for level funding.

	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Fish and Wildlife Service			
State & Tribal Wildlife Grants	61.3	61.3	30.7
Subtotal	1,475.6	1,547.6	1,159.0
Coastal Impact Assistance ^a	0	-200.0	0
Total Appropriations	1,475.6	1,347.6	1,159.0

- a. For a discussion of the Administration's proposed cancellation, see "Coastal Impact Assistance Program" below.

Endangered Species Funding

Funding for the endangered species program is part of the Resource Management account and is one of the perennially controversial portions of the FWS budget. The House committee approved \$134.0 million, a decrease of \$41.9 million from the FY2012 level of \$176.0 million and of \$45.7 million from the Administration's request of \$179.7 million.

The FY2012 Interior appropriations law (P.L. 112-74) contained limits on spending for listing species in response to petitions, for listing foreign species, and for designation of critical habitat.³¹ Both the House Committee and the President's proposal for FY2013 would have continued the spending limits though not at the same levels. The limitations on responding to petitions and listing foreign species were not included prior to the FY2012 appropriations law. On the other hand, limitations on critical habitat designation have been a feature of appropriations laws for over 15 years.³²

The Cooperative Endangered Species Conservation Fund (CESCF) also benefits conservation of species that are listed, or proposed for listing, under the Endangered Species Act, through grants to states and territories. The House Committee approved \$14.1 million for the CESCF, down \$33.6 million from the FY2012 level of \$47.7 million and \$45.9 million from the Administration's request of \$60.0 million.

National Wildlife Refuge System

The House Committee approved \$437.4 million for the National Wildlife Refuge System, a decrease of \$48.2 million from FY2012 (\$485.7 million) and \$57.4 million from the President's request of \$494.8 million. Costs of operations have increased on many refuges, partly due to special problems such as hurricane damage and more aggressive border enforcement, but also due to increased use, invasive species control, maintenance backlog, and other demands.

Fisheries and Aquatic Resource Conservation

The House Committee provided \$127.2 million, a decrease of \$8.1 million from the FY2012 level of \$135.3 million and \$4.4 million from the Administration's FY2013 request of \$131.6 million. The reduction in the committee-reported level relative to FY2012 was for aquatic habitat and

³¹ FWS has long asserted that responding to listing petitions uses agency resources that would be better spent on listing species that the agency judges to be more in need of protection.

³² See CRS Report R42466, *Fish and Wildlife Service: FY2013 Appropriations and Policy*, by M. Lynne Corn for further details on endangered species funding and related actions of the House Committee.

species conservation. For this activity, the committee proposed \$63.1 million, down \$8.1 million from the FY2012 level of \$71.2 million and \$7.3 million from the Administration's FY2013 request of \$70.4 million.

The committee supported funding for National Fish Hatchery Operations activity at \$46.1 million, identical to the FY2012 level.³³ The Administration had proposed a \$2.9 million reduction for National Fish Hatchery Operations. The hatchery funding controversy stems from FWS management of a number of hatcheries whose mandated role, in whole or in part, is to provide mitigation for activities by other agencies. The House Committee stated that it "will continue to reject proposals to reduce funding in the Service's budget for mitigation fish hatcheries until the Administration has secured offsetting reimbursable funds from the responsible Federal agencies."³⁴

Cooperative Landscape Conservation and Adaptive Science³⁵

The House Committee provided \$3.0 million for this account, down \$29.2 million from the FY2012 level of \$32.2 million and \$30.1 million from the Administration's request of \$33.1 million. The accompanying report made no specific comments on this FWS program, although it contained a discussion of the Administration's climate change programs generally and criticized them for duplication and lack of coordination.³⁶ Part of this FWS program supports work with partners at federal, state, tribal, and local levels to develop strategies to address climate impacts on wildlife at local and regional scales. The remainder is used to support cooperative scientific research on climate change as it relates to wildlife impacts and habitat. Both portions support and work through a network of Landscape Conservation Cooperatives (LCCs) to ameliorate the effects of climate change. The LCCs are an amalgam of research institutions, federal resource managers and scientists, and lands managed by agencies at various levels of government.

Land Acquisition

The House committee provided \$15.0 million for land acquisition for FY2013, to be derived from the Land and Water Conservation Fund (LWCF). This was a decrease of \$39.6 million from the FY2012 level of \$54.6 million and \$91.8 million from the Administration's request of \$106.9 million.³⁷ (For more information, see the "Land and Water Conservation Fund (LWCF)" section of this report.) Within this program, the committee proposed that there be no new funding for general land acquisition, and that funding be directed to inholdings, acquisition management, and \$4.0 million for purposes of the Highlands Conservation Act.³⁸

³³ While the text of H.Rept. 112-589 (p. 20) identifies an increase of \$3.4 million ("\$3,394,000") over the Administration's request, the table in the report (p. 147) shows an increase of \$2.9 million, which is presented here.

³⁴ H.Rept. 112-589 on H.R. 6091, p. 20.

³⁵ This program was previously called climate change planning and adaptive science capacity.

³⁶ H.Rept. 112-589 on H.R. 6091, p. 9.

³⁷ Under the Migratory Bird Conservation Account (MBCA), FWS has a source of mandatory spending for land acquisition. The MBCA does not receive funding in annual Interior appropriations bills. The account is permanently appropriated, and funds for FY2011 (the most recent complete year) were \$50.8 million, derived from the sale of duck stamps to hunters and recreationists, and from import duties on certain arms and ammunition. For five fiscal years (FY2009-FY2013), two Administrations have proposed legislation to increase the statutorily fixed price of duck stamps from \$15 to \$25; if enacted, the increase would add an estimated \$14.0 million to the program.

³⁸ The program benefits lands in CT, NJ, NY, and PA.

Wildlife Refuge Fund

The National Wildlife Refuge Fund (NWRF, also called the Refuge Revenue Sharing Fund) compensates counties for the presence of the non-taxable federal lands under the jurisdiction of FWS.³⁹ A portion of the fund is supported by the permanent appropriation of receipts from various activities carried out on FWS lands. Receipts have not been sufficient for full funding at authorized levels for many years, so additional funds have come from annual appropriations, though not enough to provide the fully authorized level. County governments—which assert that the presence of these lands results in expenditures for emergency services, road maintenance, traffic control, etc.—have long urged additional appropriations to make payments at the full authorized level.

The committee approved \$12.0 million for the Fund—a reduction of \$2.0 million from the FY2012 level. Funding at this level (added to \$4.9 million in permanently appropriated receipts) would have provided counties with 23% of the authorized level of \$73.8 million.⁴⁰ The Administration requested no funding. If payments were based on estimated receipts alone, counties would have received 7% of this authorized level.⁴¹ The Administration asserted that the savings are justified based on low costs of refuges to county infrastructure and the economic benefits to local economies from increased tourism. For FY2012, the Administration made a similar proposal to eliminate annual appropriations for NWRF. However, Congress appropriated \$14.0 million for FY2012.

Multinational Species and Neotropical Migrants

The Multinational Species Conservation Fund (MSCF) generates considerable public interest despite its small size. Its programs benefit Asian and African elephants, tigers, rhinoceroses, great apes, and marine turtles through grant programs in dozens of countries. The House committee reduced the MSCF to \$4.7 million, down 50% relative to FY2012. All of the programs under MSCF were reduced by 50% as well. The committee emphasized that all of the authorizations in this account have expired, or will expire in FY2012. The Administration requested \$10.0 million. Similarly, the committee reduced the Neotropical Migratory Bird Conservation Fund to \$1.9 million (down 50%) relative to the FY2012 level and the Administration's FY2013 request (\$3.8 million).⁴²

³⁹ For more information on the NWRF, see CRS Report R42404, *Fish and Wildlife Service: Compensation to Local Governments*, by M. Lynne Corn. The National Wildlife Refuge Fund is distinct from the Payments in Lieu of Taxes (PILT) program administered by DOI, for which many types of federal lands are eligible. FWS lands in the National Wildlife Refuge System that are reserved from the public domain are eligible for PILT; acquired lands are not.

⁴⁰ U.S. Dept. of the Interior, Fish and Wildlife Service, *Budget Justifications and Performance Information, Fiscal Year 2013*, p. RF-3.

⁴¹ In 2009, Congress made PILT a mandatory spending program for FY2008-FY2012, but did not change the NWRF. As a result of the PILT formula, which largely makes up for the pro-rated NWRF payment rate but for public domain lands only, counties with acquired FWS lands have been under-compensated for revenue loss relative to counties with refuge lands reserved from the public domain. Because eastern refuges are mostly acquired land, and western refuges are mostly reserved from the public domain, effects of lower funding rates for NWRF would fall primarily on eastern counties. For further information on the interaction of PILT and NWRF, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.

⁴² For more information on the two funds discussed here, see CRS Report RS21157, *International Species Conservation Funds*, by Pervaze A. Sheikh and M. Lynne Corn.

State and Tribal Wildlife Grants

State and Tribal Wildlife Grants help fund efforts to conserve species (including nongame species) of concern to states, territories, and tribes. The program was created in the FY2001 Interior appropriations law (P.L. 106-291) and further detailed in subsequent Interior appropriations laws. (It has no separate authorizing statute.) As it did for some programs with expired or expiring authorizations, the House committee reduced this program to \$30.7 million (down 50%) from the FY2012 level and the Administration's FY2013 request (\$61.3 million). The House committee urged the authorizing committees to enact legislation for these grants or evaluate the possibility of certain alternatives. The committee-reported bill would have raised a state's minimum share to 50%. The FY2012 program required a state's minimum share of either 25% or 35% (depending on the type of project), which the President proposed continuing for FY2013. The committee also eliminated bill language to allow unobligated balances to be re-appropriated.

Coastal Impact Assistance Program

In its FY2013 budget, the Administration proposed to cancel \$200.0 million of the unobligated balance for the Coastal Impact Assistance Program (CIAP). The House Appropriations Committee did not support this proposal. CIAP was established in its modern form under the Energy Policy Act of 2005.⁴³ The focus of CIAP is assistance to states and local governments with the impacts of offshore development on coastal ecosystems, including wetlands. Under the current CIAP, eligible states are those with offshore energy production: Alabama, Alaska, California, Louisiana, Mississippi, and Texas. The 2005 law provided that, from the revenues derived from federal energy leases on the Outer Continental Shelf for each year from FY2007 through FY2010, there would be mandatory spending authority of \$250 million, to remain available until expended. Of the resulting \$1 billion total from those four fiscal years, there remain approximately \$565 million in unobligated balances. Under CIAP, these balances are available without further appropriation for the program.

At its inception, the program was administered by the Minerals Management Service, then by its successor agency, the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), and now by FWS. With the transfer to FWS in FY2012, the unobligated balance was transferred as well.

Administrative Provisions

As reported by the House Appropriations Committee, H.R. 6091 contained administrative provisions affecting FWS. A provision affecting gray wolves provided that “[b]efore the end of the 60-day period beginning on the date of enactment of this Act, the Secretary of the Interior shall issue a final rule pertaining to the proposed rule”⁴⁴ concerning the removal of gray wolves in Wyoming from the list of species protected under the Endangered Species Act.⁴⁵ The committee sought to “ensure a timely decision on the Wyoming wolf management plan” and expressed that “the pending wolf management proposal is the result of cooperative work between the agency and

⁴³ 16 U.S.C. §§1451-1465. The original program was created under the Coastal Zone Management Act of 1972 (P.L. 92-583). Substantial amendments were made to CIAP with the 2005 amendments in P.L. 109-58, §384.

⁴⁴ Section 117 of H.R. 6091 as reported by the House Appropriations Committee.

⁴⁵ See 76 Fed. Reg. 61782 et seq.

the State.⁴⁶ The effect of the provision, in the absence of an accepted wolf management plan and the required approval by the Wyoming legislature, could mean that wolf management in the state stops short of recovery goals.⁴⁷

Another provision concerns three captive-bred exotic species that are related to antelope. It would have required FWS to reissue a 2005 rule and preclude judicial review of the rule.⁴⁸ Specifically, the rule affected U.S. captive-bred scimitar-horned oryx (*Oryx dammah*), addax (*Addax nasomaculatus*), and dama gazelle (*Gazella dama*), all listed as endangered. These species are rare, or perhaps extinct, in their native habitat. They are found on game farms, where farm managers allow hunting of surplus captive-bred animals subject to permits from FWS. The FWS 2005 rule would have allowed a variety of activities, including hunting, interstate shipment, and other specified activities, as long as certain criteria were met.⁴⁹ A court held that the rule violated the ESA by granting a broad exception to all game farms raising these species, rather than issuing permits on a case-by-case basis.⁵⁰ FWS removed the exclusion and stated that it would require any person who wishes to hunt or transport one of the three species to qualify for an exception or obtain a permit.⁵¹

National Park Service⁵²

The National Park Service (NPS) administers the National Park System—397 units covering more than 84 million acres, with many diverse natural and historic areas. The NPS also supports and promotes some resource conservation activities outside the Park System through limited grant and technical assistance programs and cooperation with partners.

For FY2013, H.R. 6091 as reported by the House Appropriations Committee contained \$2.45 billion for the NPS, a decrease of \$134.4 million (5%) from the FY2012 level of \$2.58 billion and of \$133.5 million (5%) from the Administration FY2013 request of \$2.58 billion. Under the committee bill, each account would have been decreased relative to the FY2012 appropriation and the FY2013 request, except that the committee level matched the Administration's request for the Construction account. However, most of the decrease in the bill relative to both the FY2012 appropriation and the FY2013 request was for Land Acquisition and State Assistance. **Table 5** provides the appropriations for the NPS by account, and several of the major accounts and programs are discussed below.

⁴⁶ H.Rept. 112-589 on H.R. 6091, pp. 19-20.

⁴⁷ For further information on this provision, see CRS Report R42466, *Fish and Wildlife Service: FY2013 Appropriations and Policy*, by M. Lynne Corn. For more on gray wolf management generally see CRS Report RL34238, *Gray Wolves Under the Endangered Species Act (ESA): Distinct Population Segments and Experimental Populations*, by Kristina Alexander and M. Lynne Corn.

⁴⁸ Section 423 of H.R. 6091 as reported by the House Appropriations Committee.

⁴⁹ A further final rule of Sept. 2, 2005 (70 Fed. Reg. 52319) also changed the status of wild individuals of these species to endangered. This rule is not affected by the committee's action.

⁵⁰ *Friends of Animals, et al., v. Ken Salazar, Secretary of the Interior, and Rebecca Ann Cary, et al., v. Rowan Gould, Acting Director, Fish and Wildlife Service, et al.*, 626 F. Supp. 2d 102 (D.D.C. 2009).

⁵¹ 77 Fed. Reg. 431.

⁵² For more information on NPS funding in general, congressional clients may contact Carol Hardy Vincent. For more information on funding for historic preservation, congressional clients may contact Shannon Loane.

Table 5. Appropriations for the National Park Service (NPS), FY2012-FY2013
(\$ in millions)

National Park Service	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Operation of the National Park System	2,236.6	2,250.1	2,229.4
—Park Management	2,067.6	2,070.4	2,060.5
—Resource Stewardship	329.8	333.4	324.3
—Visitor Services	239.3	237.8	239.3
—Park Protection	360.7	363.0	360.7
—Facility Operations and Maintenance	683.4	681.8	681.8
—Park Support	454.4	454.4	454.4
—Administrative Costs	168.9	179.7	168.9
National Recreation and Preservation	59.9	52.1	51.8
Historic Preservation Fund	55.9	55.9	49.5
Construction	155.4 ^a	131.2	131.2
Land and Water Conservation Fund ^b	-30.0	-30.0	-30.0
Land Acquisition and State Assistance	101.9	119.4	13.3
—Assistance to States	44.9	60.0	2.8
—NPS Acquisition	57.0	59.4	10.5
Total Appropriations	2,579.6	2,578.7	2,445.2

a. Figure reflects a rescission of \$4.0 million in prior year balances.

b. Figures reflect a rescission of contract authority.

Operation of the National Park System

The largest portion of the NPS annual appropriations is for the Operation of the National Park System account. The majority of operations funding is provided directly to park managers for the activities, programs, and services that constitute the day-to-day operations of the Park System. For this account, the House Appropriations Committee approved \$2.23 billion, \$7.2 million less than the FY2012 level (\$2.24 billion) and \$20.6 million less than the Administration's request for FY2013 (\$2.25 billion).

Of the five major activities funded in the account, funding for resource stewardship differed the most among the committee-reported bill, Administration's request, and FY2012 appropriation. Specifically, the House committee bill included \$324.3 million, a decrease of \$5.5 million from the FY2012 level (\$329.8 million) and \$9.1 million from the Administration's request (\$333.4 million). Within this activity, the Administration sought \$8.0 million for the climate change program, an increase of \$5.0 million over FY2012. Under this program, the NPS monitors the impact of climate change on park units, takes mitigation actions based on monitoring, and develops adaptation strategies. The House Appropriations Committee did not include "requested funding for climate-change related activities," on the grounds that there is a "critical need for a significant improvement in the level of coordination and communication of climate change

activities, budgets, and accomplishments across the bureaus within the Department of the Interior.”⁵³

The House Appropriations Committee expressed its rejection of the Administration’s proposed cuts to funding for park base operations.⁵⁴ The Administration had proposed a \$21.6 million decrease in park base operations due to “fiscal realities.” To reduce costs at park units, while attempting to minimize the negative impact on visitors, NPS proposed options including limiting the use of certain areas (e.g., campgrounds and facilities), reducing hours of operation and services during periods of low visitor usage, reducing the use of utilities and supplies, and limiting maintenance and cleaning.⁵⁵

The committee-reported bill included level funding of \$168.9 million for NPS external administrative costs. The Administration sought \$179.7 million for these costs, an increase of \$10.7 million over FY2012. External administrative costs fund the NPS contribution towards administrative support functions which are managed centrally. Increases were sought for payments for unemployment compensation, space rental, and other DOI-wide programs and activities. However, the committee bill supported the Administration’s requested increase of \$2.6 million for NPS responsibilities related to the 2013 presidential inauguration, for park police and visitor orientation and safety. Further, it contained \$9.8 million for planning and interagency coordination in support of Everglades restoration, nearly level with the Administration’s request (\$9.9 million).⁵⁶

National Recreation and Preservation

For the National Recreation and Preservation (NR&P) account for FY2013, the House committee-reported bill contained \$51.8 million, \$8.1 million less than the FY2012 level of \$59.9 million and \$0.3 million less than the Administration’s request for FY2013 of \$52.1 million. NR&P funds a variety of Park System activities, including natural and cultural resource protection programs, environmental and compliance review, and an international park affairs office. It also includes programs providing technical assistance to state and local community efforts to preserve natural, historic, and cultural resources outside the National Park System.

Both the House Committee and the Administration approved a reduction in heritage partnership funding to about half the FY2012 amount; they supported \$9.3 million, an \$8.1 million decrease from the FY2012 level of \$17.4 million. The program supports national heritage areas (NHAs), which are neither owned nor managed by the NPS. According to the NPS, the reduction for FY2013 would allow the agency to focus resources on national park units and other partnership programs, provide seed money for less mature heritage areas, and address the concerns of appropriators about the expanding number of NHAs and their ability to become more financially self-sufficient.⁵⁷ The committee noted that state and local managers of NHAs “continue to rely

⁵³ H.Rept. 112-589 on H.R. 6091, p. 25.

⁵⁴ H.Rept. 112-589 on H.R. 6091, p. 25.

⁵⁵ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2013*, p. ONPS-110.

⁵⁶ In addition, language in the FY2012 Interior, Environment, and Related Agencies appropriations law, which the Administration did not propose to change for FY2013, states that the construction appropriation is to include modifications under the Everglades National Park Protection and Expansion Act of 1989. NPS funding has been used to modify water management systems to improve water deliveries to the park. For additional information on funding for restoration of the Everglades, see CRS Report R42007, *Everglades Restoration: Federal Funding and Implementation Progress*, by Charles V. Stern.

⁵⁷ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year*

heavily” on federal funding and that NHAs have not completed plans for long-term self-sufficiency. The committee also expressed concern with the NPS pace of evaluations of NHAs as to the agency’s future role.⁵⁸

The House committee-reported bill also included a provision to extend the authority of the Secretary of the Interior to provide financial and other assistance to certain heritage areas for which the authority is due to expire (for most areas on September 30, 2012). The provision would have extended the authority until September 30, 2014. The bill also would have extended the authority of the Blackstone River Valley National Heritage Corridor Commission and the authorization of appropriations for the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission.

Historic Preservation

The Historic Preservation Fund (HPF), administered by the NPS, provides grants-in-aid for activities specified in the National Historic Preservation Act (NHPA; 16 U.S.C. §470), such as restoring historic districts, sites, buildings, and objects significant in American history and culture. The fund’s preservation grants are normally funded on a 60% federal and 40% state matching share basis.

For FY2013, the House Appropriations Committee recommended \$49.5 million for the HPF, a reduction of \$6.4 million from the level enacted for FY2012 and proposed by the Administration for FY2013 (\$55.9 million). Of the \$49.5 million, \$42.5 million was for state historic preservation offices and \$7.0 million was for tribal grants.

Construction

For NPS Construction for FY2013, the House Appropriations Committee recommended \$131.2 million, as requested by the Administration, a \$24.2 million decrease from the FY2012 level of \$155.4 million. The FY2013 request included a reduction of \$25.3 million for line-item construction projects (as well as other smaller increases and decreases for a total reduction of \$24.2 million for the account). The Administration asserted that this level of funding would address “only the most critical life/health/safety, resource protection, and emergency projects.”⁵⁹ These projects were identified through an NPS inventory and condition assessment program.

In the past, the Construction account has funded new construction projects, as well as improvements, repair, rehabilitation, and replacement of park facilities. No new facility construction was included in the House committee-reported bill or Administration’s request.

The Construction account also funds general management planning, including the special resource studies that evaluate potential Park System additions. For general management planning, the House Appropriations Committee supported the Administration’s request for \$13.6 million for FY2013, a \$1.0 million reduction from FY2012. Of the \$13.6 million, \$2.2 million was intended for the development of special resource studies, with a focus on completing previously authorized studies before beginning new ones, as the conferees on the FY2012 appropriations bill had urged.

Construction funds are used in part to address deferred maintenance, which is a continuing NPS concern. However, the portion of construction funds for addressing deferred maintenance

2013, p. NR&P-59.

⁵⁸ H.Rept. 112-589 on H.R. 6091, pp. 27-28.

⁵⁹ U.S. Dept. of the Interior, National Park Service, *Budget Justifications and Performance Information, Fiscal Year 2013*, p. CONST-6.

typically is not specified in NPS budget and appropriations documents. While the NPS has improved inventory and asset management systems, the estimate of its deferred maintenance backlog has continued to mount. DOI estimated deferred maintenance for the NPS for FY2011 at between \$8.94 billion and \$13.15 billion, with a mid-range figure of \$11.04 billion. In the past, additional funding also has been provided for NPS road construction and repair through the Federal Lands Highway Program of the Federal Highway Administration.

Land Acquisition and State Assistance

For FY2013, the House committee-reported bill would have provided \$13.3 million for Land Acquisition and State Assistance. This would have been a decrease of \$88.6 million from the FY2012 appropriation (\$101.9 million) and \$106.1 million from the Administration's request for FY2013 (\$119.4 million). The committee approved decreases relative to the FY2012 appropriation and FY2013 request for both components of the program.

Land acquisition funds typically are used primarily to acquire lands, or interests in lands, for inclusion within the National Park System. For land acquisition, the committee bill would have provided \$10.5 million, with no funding for new core acquisitions. Instead, the funds would be used for the costs of managing previously funded acquisitions, emergencies and hardships, and protection of battlefields outside the National Park System (under the American Battlefield Protection Program). The committee level would have been a decrease of \$46.5 million from the FY2012 appropriation (\$57.0 million) and of \$48.9 million from the Administration's request for FY2013 (\$59.4 million).

State assistance is for outdoor recreation-related land acquisition and recreation planning and development by the states, with the appropriated funds allocated among the states by formula and the states determining their spending priorities. Grants are provided on a 50/50 matching basis. For grants to states, the House committee-reported bill contained \$2.8 million. Instead of new grants to states, the funds were to be used for the costs of administering previous state grants. The committee level would have been a decrease of \$42.1 million from the FY2012 level (\$44.9 million) and of \$57.2 million from the Administration's request for FY2013 (\$60.0 million). Of the funding for grants to states, the Administration proposed that \$20.0 million be provided under a new competitive grants program. The program would focus on grants for urban parks and greenspaces, landscape-level conservation, and public access to rivers and waterways for recreation. (For more information, see the "Land and Water Conservation Fund (LWCF)" section of this report.)

U.S. Geological Survey⁶⁰

The U.S. Geological Survey (USGS) is a science agency that provides physical and biological information related to geological resources; climate change; and energy, mineral, water, and biological sciences and resources. In addition, it is the federal government's principal civilian mapping agency and a primary source of data on the quality of the nation's water resources.

In 2011, the USGS reorganized its science programs to interdisciplinary themes⁶¹ related to those outlined in the USGS 2007-2017 strategic plan.⁶² The interdisciplinary programs are Ecosystems; Climate and Land Use Change; Energy, Minerals, and Environmental Health; Natural Hazards;

⁶⁰ For more information on USGS funding, congressional clients may contact Pervaze A. Sheikh.

⁶¹ Hereinafter these "themes" are referred to as programs.

⁶² U.S. Dept. of the Interior, U.S. Geological Survey, *Facing Tomorrow's Challenges: U.S. Geological Science in the Decade 2007-2017*, Circular 1309, 2007. Hereinafter cited as *USGS 2007-2017 Strategic Plan*.

Water Resources; Core Science Systems; Administration and Enterprise Information; and Facilities.

For FY2013, the bill reported by the House Appropriations Committee contained total appropriations of \$967.0 million for the USGS, a decrease of \$101.0 million (9%) from the FY2012 level of \$1.07 billion and of \$135.5 million (12%) from the FY2013 request of \$1.10 billion (see **Table 6**). The committee-reported bill contained decreases from the FY2012 level for the following programs: Ecosystems; Climate and Land Use Change; Energy, Minerals, and Environmental Health; Natural Hazards; Administration and Enterprise Information; and Facilities. The bill provided increases over FY2012 for the Water Resources and Core Science Systems programs. Relative to the Administration's request, only the Water Resources Program received more funding in the reported bill; all other programs received decreases.

The committee-reported bill sought to limit funds for particular purposes. It provided that none of the funds under the Ecosystems Program can be used to conduct surveys on private land without the written consent of the owner. Another provision provided that none of the funds for the USGS can be used to pay for more than one-half the cost of topographical mapping and water resources data collections and investigations done in collaboration with states and municipalities.

Table 6. Appropriations for the U.S. Geological Survey (USGS), FY2012-FY2013
(\$ in millions)

U.S. Geological Survey	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Surveys, Investigations, and Research	1,068.0	1,102.5	967.0
—Ecosystems	161.3	177.9	132.5
—Climate and Land Use Change	144.1	153.7	128.3
—Climate Variability	58.9	67.7	51.9
—Land Use Change	85.2	86.0	76.4
—Energy, Minerals, and Environmental Health	96.2	97.1	88.3
—Natural Hazards	134.5	144.8	107.4
—Water Resources	214.7	209.8	219.8
—Core Science Systems	106.7	120.4	112.3
—Administration and Enterprise Information	110.2	99.1	82.4
—Facilities	100.4	99.7	96.0
Total Appropriations	1,068.0	1,102.5	967.0

The committee indicated that USGS science programs were provided limited or no funding for FY2013 because they are unauthorized or have expired authorizations of appropriations. Specific programs were not identified.⁶³ This justification also was used for proposing limited or no funding for other programs in agencies funded by the bill. Further, the committee asserted that significant improvement in coordination and communication among federal agencies in activities related to climate change needs to take place. The committee proposed cutting climate change

⁶³ H.Rept. 112-589 on H.R. 6091, pp. 7-8.

spending throughout the bill by 29% for FY2013 compared to FY2012.⁶⁴ The USGS conducts research and monitoring related to climate change in its Climate Change Program. Funding for the Climate Change Program in the reported bill was \$51.9 million, \$7.1 million less than the FY2012 level of \$58.9 million.

Ecosystems

The Ecosystems program focuses on research and monitoring of the structure and function of ecosystems. Activities emphasize a systems approach to scientific research that focuses on how processes affect the structure, function, and resilience of ecosystems. The Ecosystems program has six sub-programs: status and trends; fisheries (aquatic and endangered resources); wildlife (terrestrial and endangered resources); terrestrial, freshwater, and marine environments; invasive species; and cooperative research units. For FY2013, the House Appropriations Committee recommended \$132.5 million for the Ecosystems Program, a decrease of \$45.3 million from the FY2013 Administration request of \$177.9 million and of \$28.8 million from the FY2012 level of \$161.3 million.

In its report, the House committee noted that it did not support a large number of program increases requested by the Administration. Much of the requested increases were for ecosystem priorities activities, which focus on the conservation and restoration of ecosystems throughout the nation such as the Chesapeake Bay and Florida Everglades. However, the committee supported some increases proposed by the Administration, including \$1.0 million for addressing white nose syndrome in bats and \$3.0 million for research on new methods to control and eradicate Asian carp in the Upper Mississippi River Basin and to prevent their entry into the Great Lakes. The committee proposed reductions for all sub-programs under this program compared to the Administration's request, including funding for the Fisheries: Aquatic and Endangered Resources sub-program (34% reduction); Wildlife: Terrestrial and Endangered Resources sub-program (20% reduction); and the Terrestrial, Freshwater and Marine Environments Program (31% reduction).

Climate and Land Use Change

The Climate and Land Use Change program is split into two sub-programs, climate variability and land use change. The climate variability sub-program provides scientific information to users and DOI agencies to assist in creating adaptation strategies for changes in various landscapes.

The committee-reported bill included \$128.3 million for the Climate and Land Use Change Program, a reduction of \$25.5 million from the Administration's request of \$153.7 million and \$15.8 million from the FY2012 level of \$144.1 million. The Land Use Change sub-program enables users to access and use Earth observation imagery collected via satellites. The committee level for this sub-program was \$76.4 million, \$9.6 million less than the FY2013 request of \$86.0 million and \$8.8 million below the FY2012 level of \$85.2 million. The Landsat Missions programs, through the line item Land Remote Sensing, would have received \$66.4 million, \$5.7 million less than the FY2013 request (\$72.1 million) and \$7.3 million less than the FY2012 level

⁶⁴ H.Rept. 112-589 on H.R. 6091, p. 9.

(\$73.7 million). Portions of this funding were to be used to complete Landsat 8⁶⁵ and Landsat 9⁶⁶ mission development.

Under the Climate Variability sub-program, the reported bill provided \$51.9 million, which was \$15.9 million less than the FY2013 request of \$67.7 million and \$7.1 million less than the FY2012 level of \$58.9 million. The reported bill did not fund increases requested by the Administration for science support for DOI agencies and climate research and development, among other things. According to the Administration, the funding would be used to create tools to monitor landscape changes and maintain partnerships with other stakeholders to better understand climate effects and adaptation strategies.

Energy, Minerals, and Environmental Health

The Energy, Minerals, and Environmental Health program includes research and assessments on the nation's mineral and energy resources. There are four components: minerals resources, energy resources, toxic substances hydrology, and contaminant biology. The contaminant biology sub-program reflects the intent for energy and mineral resources to be understood in the context of the life cycle of the energy or mineral commodity. Under this context, activities address how energy and mineral resources influence landscape, water, climate, ecosystems, and human health.

The House committee-reported bill provided \$88.3 million for this program, a decrease of \$8.9 million from the Administration's request of \$97.1 million and of \$7.9 million from the FY2012 level of \$96.2 million. The bill provided \$46.8 million for the Minerals Resources sub-program, a \$1.5 million increase over the Administration's request of \$45.3 million but a decrease of \$2.4 million from the FY2012 level of \$49.2 million. This program supports data collection, analysis, and research to better understand the availability of domestic and global mineral resources. A decrease in funding may delay the completion of the next National Mineral Resource Assessment, according to USGS.⁶⁷ In the past, the Administration has proposed cuts in this program but Congress has reinstated funding. The committee supported the Administration's request for a \$1.0 million increase over FY2012 to support research on rare earth elements. Rare earth elements are used in various components of defense weapons systems and have applications for the science and technology and manufacturing sectors. Their supply and accessibility have been referred to as a national security concern by some Members.⁶⁸ The committee also expressed its support for studying the extent and sources of endocrine-disrupting chemicals that are affecting fish and wildlife in the Chesapeake Bay Watershed.

Natural Hazards

This program is expected to provide scientific information and knowledge necessary to address and mitigate the effects of natural hazards such as volcanoes, earthquakes, storm surges, and landslides. The coastal and marine geology sub-program is expected to address natural hazards-

⁶⁵ Landsat 8 is being developed to take remotely sensed images of the Earth's land surface and surrounding coastal areas primarily for environmental monitoring. Landsat data are freely available to the public at http://landsat.usgs.gov/Landsat_Search_and_Download.php.

⁶⁶ The development process of Landsat 9 is expected to include surveying users for their remote sensing needs, conducting trade studies on data needs, initiating the procurement for instruments and spacecraft, and establishing a science advisory team.

⁶⁷ U.S. Dept. of the Interior, U.S. Geological Survey, *Budget Justifications and Performance Information, Fiscal Year 2013*, p. B-37.

⁶⁸ U.S. Congress, House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, *Effect of the President's FY 2013 Budget for the U.S. Geological Survey on Private Sector Job Creation, Hazard Protection, Mineral Resources and Deficit Reduction*, Oversight Hearing, 112th Cong., 2nd Sess., March 22, 2012.

related issues, such as the impacts of hurricanes and tsunamis on the coast, and the effects of rising relative sea level on coastal ecosystems and communities.

The House Appropriations Committee proposed \$107.4 million for this program, a decrease of \$37.4 million from the Administration's request of \$144.8 million and of \$27.1 million from the FY2012 level of \$134.5 million. The largest reduction was for the Earthquake Hazards program, a \$14.8 million decrease from the requested amount of \$58.9 million and an \$11.0 million decrease from the FY2012 appropriation of \$55.1 million. The committee report did not make explicit why reductions in this program were made. The second largest reduction was for the Coastal and Marine Geology program, a \$14.4 million decrease from the requested amount of \$49.3 million and a \$9.0 million decrease from the FY2012 level of \$43.9 million.

Water Resources

The Water Resources program includes activities that collect, assess, and disseminate hydrological data, and analyze and research hydrological systems and methods for water conservation. This program contains the national streamflow information sub-program and the cooperative water sub-program, both of which fund streamgages throughout the nation.

The House Appropriations Committee proposed \$219.8 million for this program, an increase of \$10.0 million from the Administration's request of \$209.8 million and of \$5.1 million from the FY2012 level of \$214.7 million. The committee proposed level funding for the Water Resources Research Act Program at \$6.5 million; funding was eliminated in the Administration's request. Such elimination has been proposed several times in the past, although each year the appropriations law contained funding. Funding for this program provides grants to 54 water resources research institutes throughout the country. Generally, the grants are used to leverage additional funding for research from other sources. The Administration contended that the elimination of this program would allow funds to be used in higher priority areas, such as the WaterSMART program. The committee-reported bill also retained funding for the Cooperative Water Program at \$64.0 million, although the Administration sought a reduction to \$59.3 million. The reduction would have affected funding for interpretative studies of water related data as well as for data collection activities through streamgages, according to the Administration.

Core Science Systems

The Core Science Systems program provides data in a geospatial framework for managing resources and planning for natural hazards. The House Appropriations Committee bill proposed \$112.3 million for this program, a decrease of \$8.1 million from the Administration's request of \$120.4 million and an increase of \$5.6 million from the FY2012 level of \$106.7 million.

The Administration proposed a realignment of funds from the information resources sub-program under the Administration and Enterprise Information program, to consolidate several information programs into a new science synthesis, analysis, and research program. The realignment resulted in a request of \$26.3 million for biological information management and delivery, an increase over the FY2012 level of \$15.1 million. The committee supported the realignment, but proposed funding at \$20.6 million.

Administration and Enterprise Information

This program reflects administrative activities and Enterprise Information. Enterprise Information consolidates funding of all USGS information needs, including information technology, security, services, and resources management, as well as capital asset planning. The House Committee on

Appropriations proposed \$82.4 million for this program, a decrease of \$16.6 million from the Administration's request of \$99.1 million and of \$27.8 million from the FY2012 level of \$110.2 million. A primary reason for the reduction from FY2012 was that the committee supported the Administration's request to transfer funding for information resources to the Core Science Systems line item, as discussed above. The committee also proposed a reduction of \$10.5 million for the Science Support sub-program to \$62.9 million from the FY2012 level of \$73.4 million; the Administration sought an increase to \$75.8 million.

Facilities

The Facilities program includes sites where USGS activities are housed—offices, laboratories, storage, parking, and more—as well as eight large research vessels. The House Appropriations Committee proposed \$96.0 million for this program, a decrease of \$3.7 million from the Administration's request of \$99.7 million and of \$4.4 million from the FY2012 level of \$100.4 million.

Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement, and Office of Natural Resources Revenue⁶⁹

In response to the April 20, 2010, Deepwater Horizon oil spill in the Gulf of Mexico, on May 11, 2010, Secretary of the Interior Ken Salazar announced a plan to separate the safety and environmental functions of the Minerals Management Service (MMS) from its leasing and revenue collection function. The goal was to improve the efficiency and effectiveness of the agency. On May 19, 2010, the Secretary decided to establish three new entities to perform the functions of the MMS: the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resources Revenue (ONRR). The transition to the new framework was completed on October 1, 2011. Each of the three new entities has a director under the supervision of an assistant secretary.⁷⁰

BOEM manages development of the nation's offshore resources, including administering offshore leasing, conducting environmental and economic analyses, and preparing resource evaluations. BSEE enforces safety and environmental regulations. Functions include offshore regulatory programs, research, and oil spill response. Field operations include permitting, inspections, and environmental compliance. ONRR was established under the DOI Office of the Assistant Secretary for Policy, Management, and Budget to collect, account for, analyze, audit, and disburse revenues from energy and mineral leases on the outer continental shelf, federal onshore, and American Indian lands.

In FY2011, ONRR disbursed \$11.2 billion in revenues from mineral leases on federal and Indian lands,⁷¹ up from \$9.2 billion in FY2010 but down from the FY2008 record amount of \$23.5 billion. This amount fluctuates annually based primarily on the prices of oil and natural gas and

⁶⁹ For more information on BOEM, BSEE, and ONRR funding, congressional clients may contact Marc Humphries.

⁷⁰ Additional information on the reassignment of MMS's responsibilities is contained in Secretarial Order No. 3299, on the DOI website at <http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&PageID=32475>, and in a September 30, 2011, DOI news release on the DOI website, at <http://www.doi.gov/news/pressreleases/Interior-Department-Completes-Reorganization-of-the-Former-MMS.cfm>.

⁷¹ FY2011 is the most recent year for which figures are available.

averaged about \$13 billion per year from FY2007-FY2011. Other sources of ONRR receipts include bonus bids and rents for all leasable minerals and royalties from coal and other minerals.

ONRR distributes revenues under various authorities. Revenues from onshore leases are disbursed to the states in which they were collected, the general fund of the U.S. Treasury, and designated programs based on various statutory formulas. Revenues from offshore leases are allocated among coastal states, the Land and Water Conservation Fund, the Historic Preservation Fund, and the Treasury.⁷²

FY2013 Budget and Appropriations

The bill reported by the House Appropriations Committee would have funded all three agencies at the FY2012 level: BSEE, \$76.3 million; BOEM, \$59.7 million; and ONRR, \$119.4 million. This would have been \$20.0 million less than the Administration's FY2013 request for BSEE (\$96.3 million), \$3.0 million less than the request for BOEM (\$62.7 million), and \$0.2 million less than the request for ONRR (\$119.6 million). The committee supported offsetting collections within the BSEE and BOEM at a level of \$125.9 million and \$101.4 million, respectively. There were no offsetting collections reported by the committee for ONRR. **Table 7, Table 8, and Table 9** identify the funding levels enacted for FY2012, requested by the Administration, and reported by the House Committee for BSEE, BOEM, and ONRR, respectively.

With regard to BSEE, the House committee supported a \$4.8 million increase over FY2012 (\$132.1 million) for the Operations, Safety, and Regulation activity and an increase in offsetting receipts of the same amount. Most of the Administration's proposed \$20.0 million increase for FY2013 was for the regulatory programs as well as for environmental enforcement. Under the committee-reported bill and the Administration's request, oil spill research would have remained flat at \$14.9 million in FY2013, but would have been up substantially from \$6.3 million enacted in FY2010. The committee agreed with the Administration's proposal to increase inspection fees to \$65.0 million, up from the \$62.0 million for FY2012.

With regard to BOEM, about one-half of the Administration's proposed increase (\$3.0 million in total) was for the renewable energy program. Specifically, the Administration proposed increasing this program by \$1.4 million from \$22.7 million in FY2012 to \$24.0 million in FY2013. This subactivity was established in FY2010, when BOEM created a new Office of Offshore Alternative Energy Programs to develop and implement its offshore renewable energy policies and comply with departmental goals. The agency issued four limited leases (three in New Jersey, one in Delaware) for site testing and data collection in late 2009. On April 28, 2010, the Secretary of the Interior announced the BOEM Record of Decision to issue a commercial lease to Cape Wind Associates, LLC, at Horseshoe Shoal in Nantucket Sound, to develop a 130-turbine wind energy project offshore. BOEM has plans to more efficiently site, lease, and construct offshore wind energy projects with its "Smart from the Start" program, according to the agency.

⁷² For a discussion of offshore revenue sharing issues and legislation, see CRS Report R40645, *U.S. Offshore Oil and Gas Resources: Prospects and Processes*, by Marc Humphries and Robert Pirog.

Table 7. Appropriations for the Bureau of Safety and Environmental Enforcement (BSEE), FY2012-FY2013
(\$ in millions)

BSEE	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Offshore Safety and Environmental Enforcement			
—Environmental Enforcement	4.1	8.3	4.1
—Operations, Safety, and Regulation	132.1	146.7	136.9
—Administrative Operations	15.5	21.0	15.5
—General Support Services	12.6	13.0	12.6
—Executive Direction	18.1	18.2	18.1
Subtotal	182.5	207.3	187.3
Offsetting rental receipts	-52.6	-52.5	-52.5
Inspection fees	-62.0	-65.0	-65.0
Cost recovery fees	-6.5	-8.4	-8.4
Total, Offshore Safety and Environmental Enforcement	61.4	81.4	61.4
Oil spill research	14.9	14.9	14.9
Total Appropriations	76.3	96.3	76.3

Table 8. Appropriations for the Bureau of Ocean Energy Management (BOEM), FY2012-FY2013
(\$ in millions)

BOEM	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Ocean Energy Management			
—Renewable Energy	22.7	24.0	22.7
—Conventional Energy	47.2	47.6	47.6
—Environmental Assessment	62.0	62.9	62.0
—General Support Services	12.8	13.3	12.8
—Executive Direction	16.0	16.2	16.0
Subtotal	160.8	164.1	161.1
Offsetting rental receipts	-99.0	-98.8	-98.8
Cost recovery fees	-2.1	-2.6	-2.6
Total Appropriations	59.7	62.7	59.7

Table 9. Appropriations for the Office of Natural Resources Revenue (ONRR), FY2012-FY2013
(\$ in millions)

	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
ONRR			
Compliance and Asset Management	77.1	77.8	77.1
Revenue and Operations	42.3	41.8	42.3
Total Appropriations	119.4	119.6	119.4

The House committee did not support the Administration's proposed \$4.00 per acre fee on new nonproducing Outer Continental Shelf (OCS) and onshore leases or the proposed repeal of royalty relief provisions (§344) in the Energy Policy Act of 2005.⁷³ The Administration had similar proposals in both areas in FY2012, although neither was included in the FY2012 appropriations law.

The timeliness of issuing permits for development has been an issue for Congress. For instance, in FY2012 the House Appropriations Committee expressed concern over delays in issuing OCS exploration and development permits, and encouraged BOEM to issue permits in a timely and consistent manner while ensuring safety and environmental protection.⁷⁴ The conferees on the FY2012 appropriations bill further expressed that the highest priority for BSEE was "ensuring safety and prompt consideration of permits," and that applications for permits to drill "should be processed with all due speed."⁷⁵ The Administration asserts that the review of deepwater permit applications has taken longer as a result of the Deepwater Horizon incident and additional informational requirements (e.g., pertaining to environmental reviews).

For ONRR, the House committee would have funded its two major programs—compliance and asset management (CAM) and revenue and operations—at FY2012 levels: \$77.1 million and \$42.3 million, respectively. The Administration requested slightly more for CAM (\$77.8 million) and slightly less for revenue and operations (\$41.8 million). CAM is implementing reforms in the way the agency uses data mining to detect missing or inaccurate royalty payments and implement its risk-based compliance strategy to ensure proper revenue collections. The revenue and operations program continues to phase-out the royalty-in-kind program (RIK, wherein payments are made in fuel rather than in cash) and replace it with a royalty-in-value program and strengthen the auditing and oversight functions of ONRR.

Offshore (OCS) Oil and Gas Leasing

Issues not directly tied to specific funding accounts remain controversial and typically are debated during consideration of the annual Interior appropriations bills.⁷⁶ Two issues have been

⁷³ These provisions provide for royalty-free production up to specified volumes of oil and gas below specified price thresholds.

⁷⁴ H.Rept. 112-151 on H.R. 2584, p. 39.

⁷⁵ H.Rept. 112-331 on H.R. 2055, pp. 1060-1061.

⁷⁶ The issues discussed in this section also are being addressed by Congress outside the appropriations process, for instance, through legislation and in hearings by the authorizing committees.

the focus of recent debates: moratoria (areas off limits to leasing), and the audit and compliance program.

Moratoria

Oil and gas development moratoria in the OCS along the Atlantic and Pacific coasts, parts of Alaska, and parts of the Gulf of Mexico had been in place since 1982, as a result of public laws and executive orders of the President. On July 14, 2008, President Bush lifted the executive moratoria, which included planning areas along the Atlantic and Pacific coasts. On September 30, 2008, moratoria provisions in annual appropriations laws expired, potentially opening these areas for oil and gas leasing activity.

Whether to lift the remaining moratorium in the eastern Gulf of Mexico under the Gulf of Mexico Energy Security Act (GOMESA) remains controversial. This law placed nearly all of the eastern Gulf under a leasing moratorium until 2022, and contained revenue-sharing provisions for selected coastal states. Congressional proposals to lift the moratorium are supported by some as an attempt to increase domestic oil and gas supply. Others favor continuing the moratorium due to concerns about adverse economic and environmental impacts of development, and note that there already are several thousand leases in the central and western parts of the Gulf of Mexico that are unexplored or in development and could potentially yield significant oil and natural gas. The 2010 oil spill in the Gulf of Mexico has been a factor in the debate.⁷⁷

On December 1, 2010, the Obama Administration announced its Revised Program (RP) for the remainder of the 2007-2012 OCS Leasing Program. Among other components, the RP eliminates five Alaskan lease sales (sales 209, 212, 214, 217 and 221) that had been contemplated in the current lease program. Further, the Obama Administration, under executive authority, withdrew the North Aleutian Basin Planning Area from oil and gas leasing activity until June 30, 2017. On June 28, 2012, the Administration submitted its proposed final five-year OCS oil and gas leasing program for 2012-2017, which excludes all three Atlantic and all four Pacific Coast planning areas at least through 2017. Three planning areas in Alaska (Cook Inlet, Chukchi, and Beaufort Sea) were included in the program for leasing. There are 15 lease sales included in the new leasing program—12 in the Gulf of Mexico and three in Alaska. Since the 2010 Deepwater Horizon oil spill in the Gulf of Mexico, President Obama has cancelled the August 2010 lease sale (215) and the Mid-Atlantic lease sale (220). The Obama Administration held lease sale 218 in the Western Gulf of Mexico on December 14, 2011. This was the first sale since the oil spill. The final combined OCS sale (sale 216/222) of the 2007-2012 leasing program was held on June 20, 2012.⁷⁸

Audit and Compliance Program

A major challenge confronting ONRR is to ensure that its audit and compliance program is consistently effective. Critics contend that less auditing and more focus on compliance review has led to a less rigorous royalty collection system and thus a loss of revenue to the federal Treasury.

⁷⁷ For more information on the spill, see CRS Report RL33705, *Oil Spills in U.S. Coastal Waters: Background and Governance*, by Jonathan L. Ramseur.

⁷⁸ Pending legislation seeks to replace the Administration's proposed final leasing program with an alternative program. For a comparison of the Administration's proposal and pending legislation, see CRS Congressional Distribution Memorandum, *A Comparison of H.R. 6082 (as introduced July 9, 2012) and the Obama Administration Submission to Congress Under Section 18 of the Outer Continental Shelf Lands Act (OCSLA) (June 28, 2012)*, by Curry L. Hagerty, July 16, 2012.

DOI's Inspector General and the Government Accountability Office (GAO) have made recommendations to strengthen and improve administrative controls of the compliance and asset management program, including adoption of a risk-based compliance approach.

Further, DOI established an independent panel, the Royalty Policy Committee (RPC), to review the Mineral Leasing Program. The RPC offered over 100 recommendations to BOEM and ONRR for improving the leasing program and auditing function. The review included an examination of the RIK program, which grew from 41.5 million barrels of oil equivalent (BOE) in 2004 to 112 million BOE in 2007.⁷⁹ GAO issued a report on September 26, 2008, concluding that the RIK Program could be improved.⁸⁰ After review of the RIK program, the Secretary of the Interior announced its "phased-in termination."⁸¹ The FY2013 House committee-reported bill, like the Administration's FY2013 request and the FY2012 appropriations law, reflected the Administration's plan to continue phasing out the RIK program.

Office of Surface Mining Reclamation and Enforcement⁸²

Concerns about the legacy of hazards resulting from decades of coal mining in the United States led to the enactment of the Surface Mining Control and Reclamation Act of 1977 (SMCRA, P.L. 95-87).⁸³ The act authorized the federal government to work with states and tribes to reclaim abandoned coal mines, and regulate active coal mines to minimize environmental impacts during mining and to reclaim affected lands and waters after mining. The act established the Office of Surface Mining Reclamation and Enforcement (commonly referred to as the Office of Surface Mining or OSM) to administer these responsibilities, and created the Abandoned Mine Reclamation Fund to provide a dedicated source of funds for reclaiming abandoned coal mines. The fund is financed by fees on coal production that are used to issue payments to eligible coal production states and tribes for implementing their reclamation programs. Amendments to SMCRA in 2006⁸⁴ authorized these payments as mandatory appropriations, no longer subject to discretionary appropriations. This mandatory funding constitutes the majority of OSM's total budget. Discretionary appropriations fund grants to states for the regulation of active coal mines, and certain activities still administered by OSM that support the reclamation of abandoned mines.

The Administration proposed a total budget of \$677.8 million for OSM in FY2013, \$211.8 million (24%) less than the FY2012 level of \$889.6 million.⁸⁵ The decrease primarily was attributed to the proposed termination of mandatory payments from the Abandoned Mine Reclamation Fund to "certified" states that have reclaimed their "priority" coal sites,⁸⁶ in order to

⁷⁹ The report of the panel, *Mineral Revenue Collection from Federal and Indian Lands and the Outer Continental Shelf*, is available on the ONRR website at http://www.onrr.gov/laws_r_d/RoyPC/PDFDocs/RPCRMS1207.pdf.

⁸⁰ U.S. Government Accountability Office, *Oil and Gas Royalties: MMS's Oversight of Its Royalty-in-Kind Program Can Be Improved through Additional Use of Production Verification Data and Enhanced Reporting of Financial Benefits and Costs*, GAO-08-942R, September 26, 2008.

⁸¹ A news release announcing the termination of the program is on the DOI website at http://www.doi.gov/news/09_News_Releases/091609.html.

⁸² For more information on OSM funding and activities, congressional clients may contact David Bearden.

⁸³ 30 U.S.C. § 1201 et seq.

⁸⁴ The Surface Mining Control and Reclamation Act Amendments of 2006 were included in Title II, Division C, of P.L. 109-432, the Tax Relief and Health Care Act of 2006.

⁸⁵ U.S. Dept. of the Interior, Office of Surface Mining Reclamation and Enforcement, *Budget Justifications and Performance Information for FY2013*, "Total FY2013 Budget Request," p. 6.

⁸⁶ Sites are prioritized for reclamation based on the severity of the hazards. Under existing law, priority coal sites must be reclaimed first before states and tribes can use Abandoned Mine Reclamation Fund payments for other purposes.

reserve funds for “noncertified” states with unmet coal reclamation needs. The termination of these payments to certified states would be subject to the enactment of authorizing legislation. Subsequently enacted legislation⁸⁷ now limits mandatory payments to certified states to \$15 million annually, but does not entirely eliminate these payments as the President had proposed. Some Members and affected states had expressed concern about the impacts of the new funding limitation on resources for mine reclamation, and potential effects on the funding formula for certain payments to noncertified states which are linked in part to the amounts that certified states receive.⁸⁸ Section 142 of P.L. 112-175 reversed the potential effects on noncertified states but did not repeal the limitation on funding for certified states. For the discretionary appropriations that fund OSM, the House Appropriations Committee recommended \$150.1 million for FY2013, \$9.5 million (7%) more than the President’s request of \$140.6 million, but nearly the same as the FY2012 enacted appropriation. The decrease that the President had requested was attributed to a proposed reduction in regulatory grants to states. **Table 10** identifies the level of discretionary appropriations for OSM broken out by activity.

Table 10. Appropriations for the Office of Surface Mining Reclamation and Enforcement (OSM), FY2012-FY2013
(\$ in millions)

Office of Surface Mining Reclamation and Enforcement	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Regulation and Technology	122.7	113.1	122.7
—Environmental Protection	91.8	81.9	91.8
—Technology Development and Transfer	14.5	14.6	14.5
—Financial Management	0.5	0.5	0.5
—Executive Direction	15.9	16.1	15.9
Abandoned Mine Reclamation Fund	27.4	27.5	27.4
—Environmental Restoration	9.5	9.4	9.4
—Technology Development and Transfer	3.5	3.6	3.5
—Financial Management	6.4	6.5	6.4
—Executive Direction	8.0	8.1	8.0
Total Appropriations	150.1	140.6	150.1

The following sections discuss funding issues related to the regulation of active coal mines, the existing Abandoned Mine Reclamation Fund, a proposed parallel fund dedicated to the reclamation of abandoned hardrock mines, and the proposed integration of certain OSM functions within BLM.

⁸⁷ Section 100125 of P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21), enacted July 6, 2012.

⁸⁸ Section 411(h)(4)(A) of SMCRA originally had linked the amounts of the payments that certified states receive to a portion (but not all) of the funds that noncertified states receive for their Historic Coal Fund Distribution payments.

Regulation of Active Coal Mines

Under Title V of SMCRA, OSM is responsible for developing the regulations for active coal mines and may allow states and tribes to implement these federal regulations within their respective jurisdictions.⁸⁹ SMCRA authorizes OSM to approve state and tribal regulatory programs that it determines are sufficient to assume these responsibilities, and to oversee their implementation to ensure the adequacy of environmental protections. States with approved regulatory programs are referred to as “primacy” states. Federal regulatory grants to primacy states may cover up to 50% of the costs that a state or tribe incurs to operate its regulatory program. States or tribes with primacy are responsible for permitting, inspection, and enforcement of OSM’s regulations at active coal mines. OSM currently has granted regulatory primacy to 24 states in which coal is produced, while OSM has retained regulatory primacy in two states without approved programs, Tennessee and Washington. To date, there are no tribes with regulatory primacy under SMCRA, and OSM regulates active coal mines on tribal lands.

For FY2013, the House Appropriations Committee recommended \$122.7 million for OSM’s Regulation and Technology account to support the regulation of active coal mines, an increase of \$9.7 million above the President’s request (\$113.1 million), and the same as the FY2012 enacted appropriation. The President had proposed a decrease below FY2012 within this account to reduce federal regulatory grants to primacy states, and to reduce funding for OSM’s own regulatory responsibilities in non-primacy states and on tribal lands. The Administration had indicated that its requested reduction for federal regulatory grants was intended to encourage primacy states to increase permit fees collected from mine operators, and that OSM similarly would increase permit fees in non-primacy states and on tribal lands to offset its lower funding level.

In its report on H.R. 6091, the House Appropriations Committee expressed its concern that reducing federal regulatory grants to primacy states could impair their ability to continue their regulatory role, if they were forced to rely more heavily upon increases in permit fees. The committee restored funding for these grants to maintain the level of existing resources and help primacy states avoid the need to raise fees on coal mine operators to pay their regulatory expenses.⁹⁰ The Administration had asserted the opposing view that current permit fees are lower for the coal industry than other regulated industries and that increasing coal mining fees would ensure more comparable treatment among industries, while reducing the reliance on federal appropriations to regulate the coal industry. Subsequently, on March 26, 2013, OSM proposed to increase coal mining permit fees on lands within its regulatory jurisdiction. Primacy states would not be required to increase permit fees on lands within their respective jurisdictions, but would have the discretion to do so in a similar manner.⁹¹ With respect to the state regulatory role, the House Appropriations Committee also did not approve the increase that the President had requested within the Regulation and Technology account for increased inspections and enhanced federal oversight of state regulatory programs. The committee expressed that states with primacy under SMCRA should retain the principal role in regulating coal mining operations within their respective jurisdictions, and that enhanced federal oversight beyond the current level was not needed to ensure “the continued implementation of a protective regulatory framework.”⁹²

⁸⁹ Other federal agencies also regulate certain aspects of active coal mining operations under other federal statutory authorities, such as the Environmental Protection Agency under the Clean Water Act. Also, states may enact their own independent regulatory authorities.

⁹⁰ H.Rept. 112-589 on H.R. 6091, p. 34.

⁹¹ 78 *Federal Register* 18430-18444, March 26, 2013.

⁹² *Ibid.*

Abandoned Mine Reclamation Fund

As originally enacted, Title IV of SMCRA established the Abandoned Mine Reclamation Fund to support the reclamation of lands and waters affected by coal mining and processing that were abandoned and left unreclaimed prior to the enactment of the statute on August 3, 1977, and for which there is no continuing reclamation responsibility under other federal or state laws. The fund is financed by a per-ton fee assessed on the production of coal in the United States. States and tribes with lands on which coal is mined are eligible for payments from the fund to support the reclamation of abandoned coal mines located within their respective jurisdictions. A total of 25 coal production states and three tribes are currently eligible.⁹³

The 2006 amendments to SMCRA reauthorized the collection of coal production fees through FY2021. Beginning in FY2008, the amendments authorized state and tribal payments from the Abandoned Mine Reclamation Fund as mandatory appropriations. The amendments also altered the formula for disbursing these funds to states and tribes to base the disbursements on coal production. Mandatory payments also were authorized to support three United Mine Workers of America retiree health benefit plans.⁹⁴

The activities that continue to rely on discretionary appropriations from the Abandoned Mine Reclamation Fund are limited to those administered by OSM, not implemented by states and tribes. These activities currently include the evaluation of state and tribal reclamation programs, technical assistance to states and tribes to enhance their reclamation programs, the management of coal production fees that finance the fund, and federal watershed restoration projects at historic coal sites that are not administered through the state programs. The House Appropriations Committee recommended \$27.4 million for these activities for FY2013, essentially level with FY2012 and slightly lower than the President's FY2013 request (\$27.5 million).

The 2006 amendments were driven by concerns about fee collections surpassing discretionary appropriations for a number of years, and the contention among western states that they were bearing a disproportionate share of the reclamation expense because coal production had moved westward over time, whereas the majority of the abandoned coal mines in need of reclamation are located in eastern states. To address the disbursements of prior collections of fees that had accumulated when the fund was subject to discretionary appropriations, the 2006 amendments authorized a series of mandatory payments to states and tribes from the General Fund of the U.S. Treasury. In total, these payments are to be equivalent to the balance of prior collections that had not been appropriated as of the beginning of FY2008. The payments are to be made in seven annual installments through FY2014.⁹⁵

The 2006 amendments also established a process for OSM to "certify" states and tribes that have reclaimed all of their priority coal sites. Certified states and tribes may use their payments for the reclamation of other types of mining sites and other purposes.⁹⁶ Four states and three tribes are

⁹³ For a listing of each eligible state and tribe, see OSM's distribution of Abandoned Mine Reclamation Fund payments for FY2013 on the office's website: <http://www.osmre.gov/topic/grants/docs/FY13GrantDist.pdf>.

⁹⁴ These payments are financed with a combination of general Treasury funds and interest on the unexpended balance of the Abandoned Mine Reclamation Fund.

⁹⁵ The balance of prior collections as of the beginning of FY2008 was \$1.31 billion. As of the end of FY2012, OSM has disbursed \$934.9 million in five installments to eligible states and tribes, and \$373.9 million remained available for the last two installments in FY2013 and FY2014. See OSM's distribution of Abandoned Mine Reclamation Fund payments for FY2013 on the office's website: <http://www.osmre.gov/topic/grants/docs/FY13GrantDist.pdf>.

⁹⁶ Certified states and tribes may not use their payments for the reclamation of mining sites that the Environmental Protection Agency has placed on the National Priorities List (NPL) under the Comprehensive Environmental Response,

currently certified.⁹⁷ Certified states and tribes receive their share of current reclamation fees through equivalent Treasury payments that are made in lieu of disbursements from the Abandoned Mine Reclamation Fund, which is now reserved for payments to noncertified states. Certified states and tribes may use their in lieu Treasury payments of current fees for the reclamation of other mineral mining or processing sites, and their in lieu Treasury payments of pre-FY2008 balances for any purposes approved by their state legislatures or tribal councils (but the impacts of mineral development are to receive priority).

The President's FY2013 budget request included a legislative proposal to terminate reclamation payments to certified states and tribes to reserve the funds for priority coal sites that are not reclaimed in other states. The Administration included similar proposals in its FY2012 and FY2011 budget requests, which were not enacted. The House Appropriations Committee specified discretionary appropriations for reclamation for FY2013 but did not address the President's proposal to terminate these payments. Certified states and tribes have opposed the termination of their reclamation payments, which would make coal production fees collected on their lands unavailable to them for the reclamation of other types of abandoned mines (especially hardrock mines) and other purposes. As noted earlier, Section 100125 of P.L. 112-141 did not terminate these payments but amended the funding formula to limit them to \$15 million annually.

The President's FY2013 budget proposal also would cease the allocation of coal production fees to noncertified states and tribes based on production, and instead would award the funds through a competitive grant process to focus on the most hazardous sites, which would be subject to the enactment of authorizing legislation. This proposal would reverse aspects of the 2006 amendments that were intended to ensure that each coal production state and tribe received a certain portion of the fees collected on its lands and could use the funds for other purposes once its priority coal sites were reclaimed.

Proposed Hardrock Abandoned Mine Reclamation Fund

In conjunction with the Administration's proposal to focus the use of coal production fees on the reclamation of abandoned coal mines, the President's FY2013 budget request included a related legislative proposal to establish a fund dedicated to the reclamation of abandoned hardrock mines, which would be subject to the enactment of authorizing legislation. A similar proposal was included in the FY2012 budget request. The FY2013 proposal would have entailed levying fees on the production of uranium and metallic hardrock minerals in the United States beginning on January 1, 2013. The fees would be used to finance a Hardrock Abandoned Mine Reclamation Fund.⁹⁸ BLM would be responsible for administering this fund and would award reclamation grants on a competitive basis, with priority based on the severity of the hazards. Abandoned hardrock mines on both public and private lands would be eligible. The Administration estimated that the hardrock reclamation fees would generate a total of \$1.8 billion in receipts from FY2014 through FY2022.⁹⁹ OSM would not administer this fund, but possibly would provide some supporting services through the proposed integration of certain functions within BLM. However,

Compensation, and Liability Act (CERCLA), or designated under the Uranium Mill Tailings Radiation Control Act (UMTRCA) that the Department of Energy administers. These exclusions are intended to prevent the overlap or duplication of funds authorized under these federal statutes.

⁹⁷ The four certified states are Louisiana, Montana, Texas, and Wyoming. The certified tribes are the Crow Tribe, Hopi Tribe, and Navajo Nation.

⁹⁸ This proposed BLM fund would complement existing federal funds for the reclamation of uranium mill tailings sites administered by the Department of Energy under UMTRCA. This statute addresses only certain uranium processing sites, not uranium mines where the ores were extracted.

⁹⁹ Office of Management and Budget, *FY2013 Budget of the U.S. Government*, Analytical Perspectives, p. 219.

the House Appropriations Committee opposed this integration in its report on H.R. 6091, discussed below.

The Administration has stated that the proposed fund is intended to hold the hardrock mining industry responsible for the reclamation of abandoned hardrock mines, just as the coal mining industry currently is held responsible for the reclamation of abandoned coal mines. There also has been some concern that the lack of a dedicated fund for hardrock mines has increased the reliance on EPA Superfund appropriations to address abandoned sites. Opponents of the proposal have expressed concerns about the potential impacts of the costs on the domestic hardrock mining industry, associated employment, and competitiveness with foreign minerals production.

Proposed Integration of Certain OSM Functions within BLM

The Administration has been considering the consolidation of certain support functions of OSM and BLM that serve parallel purposes, while maintaining the independence of these agencies with respect to their separate statutory responsibilities. The House Appropriations Committee directed that no additional funds be spent on studies to merge their respective functions and stated its position that “the proposal offers little administrative savings when attempting to combine functions of two statutorily created agencies.”¹⁰⁰ Conferees on the FY2012 appropriations bill also had expressed concern about the proposed integration.¹⁰¹

On October 26, 2011, the Secretary of the Interior had issued an order¹⁰² to integrate OSM within BLM, which was to have become effective on December 1, 2011. The order had directed OSM and BLM to develop a schedule by March 1, 2012, for implementation. It outlined the integration of revenue collections, reclamation of abandoned mine lands, regulation of active mines, and certain administrative support functions. On November 28, 2011, the Secretary issued a second order¹⁰³ suspending the effective date and directing OSM and BLM to prepare recommendations for the Secretary by February 15, 2012, to address congressional and stakeholder concerns. OSM and BLM issued their recommendations to the Secretary in a report released on February 15, 2012.¹⁰⁴ The report recommended the consolidation of certain support functions, while maintaining the independence of OSM and BLM. It did not propose an effective date for the consolidation of support functions, but instead had recommended that the Secretary issue a new order to develop plans for implementation. The Secretary issued a new order on April 13, 2012, directing the consolidation of certain support functions and resources of BLM, OSM, and certain other Interior offices to gain efficiencies among similar functions, while keeping these agencies and offices intact as separate entities.¹⁰⁵

Bureau of Indian Affairs and Bureau of Indian Education¹⁰⁶

The Bureau of Indian Affairs (BIA) provides and funds a variety of services to federally recognized American Indian and Alaska Native tribes and their members, and historically has

¹⁰⁰ H.Rept. 112-589 on H.R. 6091, p. 34.

¹⁰¹ H.Rept. 112-331 on H.R. 2055, p. 1062.

¹⁰² Secretarial Order No. 3315.

¹⁰³ Secretarial Order No. 3316.

¹⁰⁴ *Report for the Secretary on the Proposed BLM/OSM Consolidation*, February 15, 2012, available on Interior’s website: <http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=283745>.

¹⁰⁵ Secretarial Order No. 3320.

¹⁰⁶ For more information on BIA funding, congressional clients may contact Cassandra Dortch, coordinator for BIA

been the lead agency in federal dealings with tribes. Programs provided or funded through the BIA include government operations, courts, law enforcement, fire protection, social programs, roads, economic development, employment assistance, housing repair, irrigation, dams, Indian rights protection, implementation of land and water settlements, and management of trust assets (real estate and natural resources). Education programs are provided or funded by the Bureau of Indian Education (BIE), a sister bureau to BIA.¹⁰⁷

For FY2013, the bill reported by the House Appropriations Committee contained \$2.57 billion for the BIA and BIE. This was \$41.4 million (1.6%) above the Administration's request for FY2013 (\$2.53 billion) and \$36.8 million (1.5%) above the FY2012 appropriation (\$2.53 billion). In its report, the committee expressed that increased funding reflected an intention "to meaningfully address programs and policies that empower and improve the lives of American Indians and Alaska Natives."¹⁰⁸ **Table 11** identifies funding for BIA and BIE accounts. Selected topics and programs related to the BIA and BIE are discussed below.

Table 11. Appropriations for the Bureau of Indian Affairs (BIA) and Bureau of Education (BIE), FY2012-FY2013
(\$ in millions)

	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Indian Affairs			
Operation of Indian Programs	2,367.7	2,379.4	2,404.7
—Tribal Government	519.3	529.2	531.4
—Human Services	136.4	135.2	135.2
—Trust - Natural Resources Management	157.2	162.1	162.1
—Trust - Real Estate Services	126.8	127.8	127.8
—Education (Bureau of Indian Education, BIE)	795.5	796.1	810.1
—Elementary and Secondary Programs	644.8	645.9	659.8
—Post Secondary Programs	128.7	131.8	131.8
—Education Management	22.0	18.4	18.4
—Public Safety and Justice	346.2	353.9	361.9
—Law Enforcement	321.9	328.4	335.9
—Tribal Courts	23.4	24.6	25.1
—Community and Economic Development	34.8	34.3	35.3
—Executive Direction and Administrative Services	251.5	239.6	239.6
—Indian Arts and Crafts Board	0.0	1.3	1.3
Construction	123.6	105.9	117.1

appropriations issues. CRS analyst Jerome P. Bjelopera, and legislative attorney Jane Smith, also contributed to this section.

¹⁰⁷ In August 2006, the BIA's administrative office for its education programs was removed from the BIA, made a parallel bureau under DOI's Assistant Secretary—Indian Affairs, and renamed the Bureau of Indian Education (BIE).

¹⁰⁸ H.Rept. 112-589 on H.R. 6091, p. 8.

	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Indian Affairs			
—Education	70.8	52.9	62.1
—Public Safety and Justice	11.3	11.3	11.3
—Resources Management	33.0	32.7	32.7
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians	32.8	36.3	36.3
Indian Guaranteed Loan Program Account	7.1	5.0	10.0
Total Appropriations	2,531.3	2,526.6	2,568.1

Note: The table does not list all activities and subactivities relevant for Indian appropriations. As such, individual lines do not necessarily sum to the totals listed.

Contract Support

Since enactment of the Indian Self-Determination and Education Assistance Act (ISDEAA; P.L. 93-638), the adequacy of contract support costs has been a major issue for Congress, the BIA, and tribes. Under the ISDEAA, tribes contract with the DOI so they can provide services that the federal government otherwise would have provided. ISDEAA requires the DOI to enter contracts with all qualifying tribes and also to pay full contract support costs. Contract support costs are used by tribes to cover the expenses of administering their self-determination contracts and self-governance compacts. Appropriations have been insufficient to pay the full contract support costs of every tribe. Accordingly, the DOI was paying contract support costs on a pro rata basis. In June 2012, the U.S. Supreme Court ruled that when Congress appropriates contract support costs on a lump sum basis, tribes are entitled to receive the full amount of reasonable and allowable federal funds for their contract support costs. The Supreme Court pointed out that Congress has several options: it could amend ISDEAA to relieve the DOI of the obligation to enter contracts with all qualifying tribes or the obligation to pay full contract support costs; it could appropriate contract support costs on a contractor-by-contractor basis; or it could appropriate enough funds to cover the aggregate amount of contract support costs of all tribes.¹⁰⁹

For FY2013, the bill reported by the House Appropriations Committee contained \$228.0 million for contract support. This was the same amount the Administration had requested for FY2013 and \$8.8 million more than the FY2012 appropriation of \$219.2 million. The \$8.8 million increase is equal to the BIA's estimated FY2011 contract support cost shortfall; however, the FY2012 estimated shortfall is \$17.1 million. The House Appropriations Committee directed the BIA to improve the transparency of current year contract support cost information and to report back to the committee within 90 days of enactment of the bill.¹¹⁰

Public Safety and Justice

The federal government has primary jurisdiction over major criminal offenses on most Indian reservations, while tribes share jurisdiction but with limited sentencing options.¹¹¹ The BIA funds

¹⁰⁹ *Salazar v. Ramah Navajo Chapter*, No. 11-551 (U.S. Supreme Court June 18, 2012).

¹¹⁰ H.Rept. 112-589 on H.R. 6091, p. 35.

¹¹¹ Tribal law enforcement does not have the authority to arrest or prosecute non-Indians. In general, tribes can prosecute Indians for tribal crimes committed within their jurisdictions, but they are limited as to the length of the

most law enforcement, jails, and courts in Indian country, whether operated by tribes or by the BIA. Currently, BIA supports 187 law enforcement agencies (of which 151 are operated by tribes), 93 detention programs (of which 73 are tribally operated), and 288 court systems (of which 185 are operated under self-determination contracts).

The sufficiency of funding for public safety and justice has been under consideration in Congress. In general, tribes and the BIA have fewer law enforcement resources than comparable state and local jurisdictions. The National Congress of American Indians (NCAI) has reported that tribal law enforcement agencies are understaffed when compared to other law enforcement agencies. In policing, for instance, a 2006 analysis showed that there were 2,555 law enforcement officers in Indian Country, but that 4,409 were needed to provide adequate services to tribal residents.¹¹² The NCAI also reported that even though tribal law enforcement agencies provide services for 1% of the country's population and patrol nearly 2% of the country's square mileage, tribal law enforcement officers only account for 0.004% of all law enforcement officers in the United States.¹¹³ Further, detention and corrections facilities funded by the BIA had significant shortfalls in staffing, training, operating procedures, reporting, and maintenance, according to a 2004 Interior Inspector General report.¹¹⁴ According to the BIA, while the agency has taken steps to remedy the deficiencies noted in the Inspector General's report, detention facilities remain understaffed by a total of 373 positions (74 Indian Affairs and 299 tribally funded positions). The BIA also asserts that there will be a need for 186 new positions to staff five new or expanded detention facilities that are expected to become operational by the end of FY2013.

The Tribal Law and Order Act (TLOA)¹¹⁵ placed new responsibilities on the BIA's Office of Justice Services. According to BIA, the act will have a "significant impact on tribal courts, law enforcement, and detention centers."¹¹⁶ The act allows tribal courts to give extended jail sentences to tribal citizens convicted of crimes under tribal codes. The act also requires the BIA to develop guidelines for approving correctional centers for long-term incarceration and a long-term plan for the construction, maintenance, and operation of tribal detention centers. The ability of tribal courts to hand down longer sentences under the TLOA could prompt a need for additional court capacity, such as staff or equipment. Longer sentences for tribal offenders could also result in a need for increased detention capacity, either through construction of new facilities or contracting for bedspace with local jails.

The Administration requested \$353.9 million for Public Safety and Justice, \$7.7 million more than the FY2012 appropriation of \$346.2 million. The additional funding was to be used for hiring tribal and bureau law enforcement personnel and staff for newly constructed tribal and bureau detention centers, as well as enhancing the capacity of tribal courts so they can handle an

sentences they can impose. For additional information on criminal jurisdiction in Indian country, see Table 1 of CRS Report R42488, *Tribal Criminal Jurisdiction over Non-Indians in S. 47 and H.R. 11, the Violence Against Women Reauthorization Act of 2013*, by Jane M. Smith and Richard M. Thompson II.

¹¹² National Congress of American Indians, *Indian Country Budget Request, FY2013*, p. 24, http://www.ncai.org/fileadmin/FY2013/FY2013_Public_Safety_and_Justice_Budget.pdf.

¹¹³ Ibid. The percentage is based on a total of 675,734 state, city, and county law enforcement officers in the United States. This would appear to include BIA law enforcement officers operating on tribal lands, but not other federal investigative agents, e.g., of the Federal Bureau of Investigation, that might have jurisdiction over some crimes committed on tribal lands.

¹¹⁴ U.S. Department of the Interior, Office of Inspector General, *"Neither Safe Nor Secure": An Assessment of Indian Detention Facilities*, report no. 2004-I-0056, September 2004, <http://www.doi.gov/images/stories/reports/pdf/IndianCountryDetentionFinal%20Report.pdf>.

¹¹⁵ P.L. 111-211.

¹¹⁶ U.S. Dept. of the Interior, Indian Affairs, *Budget Justifications and Performance Information, Fiscal Year 2013*, p. IA-PSJ-5.

expected caseload increase resulting from the enforcement of the TLOA. The House Committee recommended higher funding still—\$361.9 million for Public Safety and Justice. This was \$8.0 million more than the request, composed of an additional \$7.4 million for law enforcement and \$0.6 million for tribal courts. In total, the committee-reported level would have been \$15.7 million more than the FY2012 appropriation.

Bureau of Indian Education (BIE)

The BIE funds an elementary and secondary school system, institutions of higher education (IHEs), and other educational programs. The BIE-funded elementary and secondary school system serves approximately 41,000 students in 183 schools and residential facilities (of which 125 are tribally operated). The BIE operates two IHEs and provides funding support to 29 tribally controlled IHEs. The BIE also funds early childhood and adult education programs, postsecondary scholarships, and education programs for Indian children in public schools.

For FY2013, the bill reported by the House Appropriations Committee contained \$810.1 million for the BIE, within the Operation of Indian Programs account. This was \$14.0 million more than the Administration had requested for FY2013 (\$796.1 million) and \$14.6 million more than the FY2012 appropriation (\$795.5 million).

The committee-reported bill included one major program increase compared to the Administration's request. Tribal grant support costs, which cover administrative and indirect costs at the 125 tribally operated schools and residential facilities, would have received \$61.2 million, \$13.0 million over the Administration's request for FY2013 (\$48.3 million) and \$15.0 million more than the FY2012 appropriation (\$46.3 million). The Administration's request would have funded approximately 65% of the funding needed as defined by the statutory formula, compared to approximately 62% in the 2012-2013 school year. The committee expressed that the \$13.0 million over the request would provide half of the projected shortfall.¹¹⁷

The bill reported by the House Appropriations Committee maintained the Administration's requested increase for postsecondary education and decrease for education management:

- IHEs funded under Title I and Title II of the Tribally Controlled Colleges and Universities Assistance Act¹¹⁸ would have received an increase of \$2.5 million compared to the FY2012 appropriation, for a total of \$69.8 million. From the 2008-09 school year to the 2010-2011 school year, the 12-month full-time equivalent enrollment in these colleges has increased 15%, including the addition of Keweenaw Bay Ojibwa Community College in FY2012.
- BIE education program management would have decreased \$3.5 million to \$18.4 million compared to the FY2012 appropriation (\$22.0 million). BIE education program management costs include information technology costs and the separation costs of BIE employees when BIE-operated schools are converted to tribally operated schools. The BIE plans to reduce its workforce and streamline service delivery on the basis of tribal consultations and a third-party study of its operations and organization originally scheduled for completion in June 2012.

With respect to BIE administration, language in the House Appropriations Committee's report reiterated direction from FY2012 that the BIE, in coordination with the U.S. Department of Education, count the number of students eligible for (participating in) the Johnson O'Malley (JOM) program and report to the committee thereon. The JOM program provides supplementary

¹¹⁷ H.Rept. 112-589 on H.R. 6091, p. 35.

¹¹⁸ TCCUAA; P.L. 95-471, as amended.

financial assistance, through contracts, to meet the unique and specialized educational needs of eligible Indian students in public schools and nonsectarian private schools. JOM funds are distributed by a formula based on a count of Indian students and average per-pupil operating costs. Student counts have been effectively frozen since FY1995.¹¹⁹ As a result of the 1995 freeze, the BIE no longer systematically collects data about the students served by projects. The freeze allows pre-1995 contractors to receive funding based on their 1995 student count regardless of the number of students actually served. The freeze included each tribe's 1995 JOM allocation into its base funding tribal priority allocation (TPA). TPA allows tribes flexibility in the management and use of funds for various programs and services. Tribes that receive JOM funding through TPA are dependent on this as a fairly stable source of funding.

Construction

For FY2013, the bill reported by the House Appropriations Committee contained \$117.1 million for BIA construction activities. This was \$11.2 million more than the Administration had requested for FY2013 (\$105.9 million) and \$6.5 million less than the FY2012 appropriation (\$123.6 million). Of the \$117.1 million, education would have received \$62.1 million, public safety and justice, \$11.3 million; and resource management, \$32.7 million.

Through the education construction program, the BIA replaces, repairs, and improves facilities in the BIE elementary and secondary school system, including employee housing, to ensure safety and functionality. The \$62.1 million for education included \$9.2 million for replacement school construction to complete the next project on the 2004 priority list. The House Appropriations Committee urged the BIE to publish a new replacement school construction priority list.¹²⁰

Departmental Offices and Department-Wide Programs¹²¹

Office of Insular Affairs¹²²

OIA provides financial assistance to four insular areas—American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands (USVI)—as well as three freely associated states in the Western Pacific—the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.¹²³ OIA staff manage relations between each jurisdiction and the federal government and work to build the fiscal and administrative capacities of local governments. OIA aid can be particularly important for addressing ongoing financial challenges among territorial governments, particularly amid the decline of the tuna and garment industries, respectively, in American Samoa and the CNMI. OIA funds also have supported various infrastructure projects in preparation for the military buildup

¹¹⁹ For more information on the JOM program freeze, see CRS Report RL34205, *Federal Indian Elementary-Secondary Education Programs: Background and Issues*, by Cassandra Dortch, pp.19-20.

¹²⁰ H.Rept. 112-589 on H.R. 6091, p. 36.

¹²¹ A number of activities/offices fall under *Departmental Offices* or *Department-Wide Programs* in Interior, Environment, and Related Agencies appropriations laws. Total funding for these entities is identified in **Table 19** at the end of this report. This section covers only the Office of Insular Affairs, although information on DOI Wildland Fire Management, a department-wide program, is provided in the “Wildland Fire Management” section, below.

¹²² For more information on OIA funding, congressional clients may contact R. Sam Garrett.

¹²³ On behalf of the United Nations, the U.S. government formerly administered these areas as the Trust Territories of the Pacific Islands (TTPI).

on Guam.¹²⁴ Each of the territorial governments, however, faces economic challenges, complicated by delicate natural resources, generally decreasing population, and limited land.¹²⁵

OIA funding consists of two parts: (1) permanent and indefinite (mandatory) appropriations, and (2) funds provided in the annual appropriations process (discretionary funds).¹²⁶ The latter come from two accounts: Assistance to Territories (AT) and Compact of Free Association (CFA). AT funding provides grants for the operation of the government of American Samoa, infrastructure improvement projects on many of the insular area islands, and specified natural resource initiatives. The CFA account provides federal assistance to the freely associated states pursuant to compact agreements negotiated with the U.S. government. The AT and CFA accounts, however, provide a relatively small portion of the office's overall budget; permanent and indefinite funds provide the bulk of U.S. financial assistance to U.S. insular areas, FSM, RMI, and Palau.

The total OIA request (including permanent and indefinite appropriations) for FY2013 was \$575.3 million. Of that amount, \$487.3 million (85%) is required through statutes, as follows:

- an estimated \$239.3 million under conditions set forth in the respective Compacts of Free Association; and
- an estimated \$248.0 million in fiscal assistance for Guam and the U.S. Virgin Islands through fiscal payments.¹²⁷

Discretionary and current mandatory funds in the AT and CFA accounts require annual appropriations that constitute the remaining \$88.0 million (15%) of the OIA budget request.

For FY2013, the House Appropriations Committee recommended an appropriation of \$83.3 million, \$22.0 million (21%) less than the FY2012 level (\$105.2 million) and \$4.7 million (5%) less than the Administration's request of \$88.0 million. Of the total, the committee approved \$79.9 million in AT funding, \$8.0 million less than the FY2012 level (\$87.9 million) and \$5.0 million less than the FY2013 request (\$84.9 million). AT funding would provide various technical assistance to territories, for instance, grants supporting local governments and infrastructure projects. For the CFA account, the committee recommended \$3.3 million, \$14.0 million less than the \$17.3 appropriated in FY2012 and \$0.2 million more than the \$3.1 million the Administration requested. The change proposed by the committee and the Administration for FY2013 would be, in fact, a return to typical CFA funding levels. OIA provided additional funds in FY2012 (and FY2011) in lieu of a renegotiated compact agreement with Palau. The FY2013 budget assumed that a recently renegotiated agreement will be approved during FY2013.¹²⁸ Congress could, however, choose not to approve the renegotiated compact, in which case additional funds might be pursued.

Title II: Environmental Protection Agency¹²⁹

EPA's primary responsibilities include the implementation of federal statutes regulating air quality, water quality, pesticides, toxic substances, the management and disposal of solid and

¹²⁴ For additional discussion of the buildup, see CRS Report RS22570, *Guam: U.S. Defense Deployments*, by Shirley A. Kan.

¹²⁵ U.S. Dept. of the Interior, Office of Insular Affairs, *Budget Justifications and Performance Information, Fiscal Year 2013*, pp. 1-2.

¹²⁶ *Ibid.*, p. 4.

¹²⁷ *Ibid.*, p. 7.

¹²⁸ *Ibid.*, p. 3.

¹²⁹ For more information on EPA funding, congressional clients may contact Robert Esworthy, or see CRS Report

hazardous wastes, and the cleanup of environmental contamination. EPA also awards grants to assist states and local governments in implementing federal law and in complying with federal requirements to control pollution. For FY2013, H.R. 6091 as reported by the House Appropriations Committee included a total of \$7.06 billion for EPA, \$1.29 billion (15.5%) less than the President's FY2013 request of \$8.34 billion, and \$1.39 billion (16.5%) less than the FY2012 enacted appropriation of \$8.45 billion.

Table 12 presents the FY2013 amounts for EPA reported by the House Appropriations Committee compared to the President's FY2013 budget request and appropriations enacted for FY2012 within the eight accounts that fund the agency. As indicated in **Table 12** and discussed below, the House Appropriations Committee approved an overall decrease for EPA below the President's FY2013 request and the FY2012 enacted level. The decrease was due largely to proposed reductions for four of EPA's eight accounts: the State and Tribal Assistance Grants (STAG), Environmental Programs and Management (EPM), Science and Technology (S&T), and the Hazardous Substance Superfund accounts. The reduction for grants to aid states to capitalize their Clean Water State Revolving Funds (SRFs) within the STAG account constituted the largest single portion of the overall proposed reduction. The Drinking Water SRF also would have been reduced, although the magnitude of decrease was smaller. Funding in the committee-reported bill for the Leaking Underground Storage Tank Trust Fund (LUST) account was the same as the FY2012 appropriation and FY2013 request, while the committee-reported amounts for the remaining three EPA accounts were below the FY2013 request but roughly the same as the FY2012 levels. The committee-reported bill included a variety of decreases and increases in funding for many of the individual programs and activities funded within the eight appropriations accounts.

**Table 12. Appropriations for the Environmental Protection Agency (EPA),
FY2012-FY2013**

(\$ in millions)

EPA Appropriations Accounts	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Science and Technology			
—Base Appropriations	793.7	807.3	738.4
—Transfer in from Hazardous Substance Superfund	23.0	23.2	23.0
Science and Technology Total	816.7	830.5	761.3
Environmental Programs and Management Total	2,678.2	2,817.2	2,479.1
Office of Inspector General			
—Base Appropriations	41.9	48.3	41.9
—Transfer in from Hazardous Substance Superfund	9.9	10.9	9.9
Office of Inspector General Total	51.9	59.1	51.9
Buildings & Facilities Total	36.4	42.0	36.4
Hazardous Substance Superfund (before transfers)			

R42520, *Environmental Protection Agency (EPA) Appropriations for FY2013: Debate During the 112th Congress*, coordinated by Robert Esworthy. In addition, for an overview comparison of the FY2012 enacted and proposed appropriations and associated provisions, see CRS Report R42332, *Environmental Protection Agency (EPA) FY2012 Appropriations*, by Robert Esworthy.

EPA Appropriations Accounts	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
—Base Appropriations	1,213.8	1,176.4	1,164.9
—Transfer out to Office of Inspector General	-9.9	-10.9	-9.9
—Transfer out to Science and Technology	-23.0	-23.2	-23.0
Hazardous Substance Superfund Total (after transfers) ^a	1,180.9	1,142.3	1,132.0
Leaking Underground Storage Tank Trust Fund	104.1	104.1	104.1
Inland Oil Spill Program ^b Total	18.2	23.5	18.2
State and Tribal Assistance Grants			
—Clean Water State Revolving Fund	1,466.5	1,175.0	689.0
—Drinking Water State Revolving Fund	917.9	850.0	829.0
—Categorical Grants	1,088.8	1,202.4	994.0
—Other State and Tribal Assistance Grants	139.8	128.3	90.0
State and Tribal Assistance Grants Total	3,612.9	3,355.7	2,602.0
Rescissions (various EPA accounts) ^c	-50.0	-30.0	-130.0
Total Appropriations	8,449.4	8,344.5	7,055.0

- a. Although H.R. 6091, as reported by the House Appropriations Committee, did not include explicit statutory authority within the Superfund account to transfer funds to the Science and Technology account and the Office of Inspector General account, the committee's report on the bill did recommend funding within the Superfund account for the activities that had been supported by these transfers in past years (Research, and Audits, Evaluations, and Investigations). In its report, the committee continued to present these amount as transfers, which would appear to presume that EPA would have some other authority to execute the transfers, as transfers from one account to another generally must be authorized in law (31 U.S.C. § 1532).
- b. The former "Oil Spill Response" account was changed to "Inland Oil Spill Program" in FY2012 to more clearly reflect the agency's jurisdiction for oil spill response in the inland zone.
- c. Figures refer to EPA specific rescissions for FY2012 enacted, FY2013 requested and as reported by the House Appropriations Committee. For FY2012, under the Administrative Provisions in Division E, Title II of P.L. 112-74, \$50.0 million in unobligated balances from the STAG (\$45.0 million) and the Hazardous Substance Superfund (\$5.0 million) accounts was rescinded. Rescissions specified within the STAG account include \$20.0 million from categorical state grants, \$10.0 million from the Clean Water SRF, and \$5.0 million each from Brownfields grants, Diesel Emission Reduction Act grants, and Mexico Border. The rescission included for FY2013 in the House committee-reported bill and the President's FY2013 request would have been from prior years' unobligated balances in the STAG account.

The following sections highlight issues associated with certain accounts and programs that were prominent in the debate on EPA's FY2013 appropriations.

Key Issues

Much of the attention on EPA's appropriations for FY2013 focused on federal financial assistance for wastewater and drinking water infrastructure projects; funding for implementation and research support for air pollution control requirements, including climate change and greenhouse gas emissions; and funding for the cleanup of contamination at Superfund and Brownfields sites. Also, a number of recent and pending EPA regulatory actions under several pollution control

statutes implemented by the agency¹³⁰ that were central to the debates on EPA's FY2011 and FY2012 appropriations were also prominent in the debate regarding FY2013 appropriations.

The House Appropriations Committee bill as reported included provisions proposed by the Subcommittee¹³¹ as well as amendments added during full-committee markup that would have restricted or prohibited the use of FY2013 funds by EPA for implementing or proceeding with a number of regulatory actions. Amendments to remove several of the EPA provisions during full-committee markup were defeated. The provisions and amendments would have impacted ongoing and anticipated EPA actions including those addressing greenhouse gas emissions, hazardous air pollutants, particulate matter emissions, permitting of new source air emissions, water quality impacts of mountaintop mining operations, management of coal ash, lead-based paint removal, environmental impacts associated with livestock operations, financial responsibility assurance with respect to Superfund cleanup, regulation of stormwater discharges, and EPA's consideration of requiring permits for point source discharges of pesticides into U.S. waters. Many of these EPA actions were the subject of authorizing committees hearings and proposed legislation.

Wastewater and Drinking Water Infrastructure

The overall decrease for FY2013 included in the House committee-reported bill below the President's FY2013 request and FY2012 enacted appropriations was largely due to the proposed reduction in EPA's STAG account for SRF capitalization grants. The amount approved by the House Appropriations Committee for these grants represents almost one-fifth of the EPA total recommended for FY2013, whereas the FY2011 and FY2012 appropriations for these grants were about one-fourth of the EPA total.¹³²

The House Committee approved \$1.52 billion combined for the Clean Water and the Drinking Water SRFs for FY2013, a \$507.0 million decrease compared to \$2.03 billion in the President's FY2013 request and a \$866.3 million decrease compared to \$2.38 billion enacted for FY2012. The Clean Water SRF supports municipal wastewater infrastructure projects, such as constructing or upgrading sewage treatment plants needed to comply with the Clean Water Act.¹³³ The Drinking Water SRF supports drinking water infrastructure projects to facilitate compliance with

¹³⁰ See CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, for a discussion of selected EPA regulatory actions, and CRS Report R41979, *Environmental Protection Agency (EPA) FY2012 Appropriations: Overview of Provisions in H.R. 2584 as Reported*, by Robert Esworthy.

¹³¹ "Subcommittee" refers to the Subcommittee on Interior, Environment, and Related Agencies.

¹³² The STAG account also funds state and tribal "categorical" grants to support the day-to-day implementation of environmental laws. H.R. 6091 included \$994.0 million to support these grant programs within the STAG account, \$208.4 million less than the President's FY2013 request of \$1.20 billion and \$94.8 million less than the FY2012 appropriation of \$1.09 billion.

¹³³ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland.

the Safe Drinking Water Act (SDWA) and to meet the act's health goals.¹³⁴ EPA awards SRF capitalization grants to states and territories based on formulas.¹³⁵

As shown in **Table 12**, the committee-reported bill included \$689.0 million for the Clean Water SRF capitalization grants for FY2013, \$486.0 million (41%) below the President's FY2013 request of \$1.18 billion and \$777.5 million (53%) below the FY2012 enacted level of \$1.47 billion. The \$829.0 million for the Drinking Water SRF capitalization grants in the House committee-reported bill was also less than the FY2013 requested and FY2012 enacted levels, but the magnitude of decrease was significantly smaller. The FY2013 committee-recommended amounts for both SRF programs were the same as the FY2008 enacted levels. While the House Committee expressed its recognition of the importance of the Clean Water and Safe Drinking Water SRFs to the states, they noted that these accounts received a combined additional \$6.00 billion in the American Recovery and Reinvestment Act (ARRA) of 2009 (P.L. 111-5),¹³⁶ and a "130 percent increase" in FY2010 over FY2008 and FY2009 regular appropriations or "the equivalent of six years' worth of appropriations in one calendar year."¹³⁷ The House Committee further asserted that funding these accounts through regular appropriations is unsustainable, and encouraged the appropriate authorizing committees to examine funding mechanisms for the SRFs that are sustainable in the long term.¹³⁸

How to meet these water infrastructure needs has been an ongoing issue within Congress. The debate has centered on the extent of federal assistance that still may be needed to help states maintain sufficient capital in their SRFs to meet local water infrastructure needs. Capital needs for water infrastructure, as demonstrated in EPA-state surveys, remain high. Some advocates of a prominent federal role have cited estimates of hundreds of billions of dollars in long-term needs among communities, and the expansion of federal water quality requirements over time, as reasons for maintaining or increasing the level of federal assistance. Others have called for more self-reliance among state and local governments in meeting water infrastructure needs within their respective jurisdictions, and contend that reductions in federal funding for SRFs are in keeping with the need to address the overall federal deficit and federal spending concerns.

Climate Change and Air Quality Regulatory Issues

Congress's consideration of FY2013 appropriations for EPA also focused extensively on the agency's regulation of greenhouse gas (GHG) emissions under the Clean Air Act (CAA) and several other recently proposed or promulgated EPA actions under the CAA, including those

¹³⁴ In its latest report to Congress of public water system infrastructure needs, EPA notes that, although all of the drinking water projects would promote the health objectives of the Safe Drinking Water Act (SDWA), 16% (\$52.0 billion) of the funding needed was directly attributable to SDWA regulations, while \$282.8 billion (84%) represented nonregulatory costs (<http://water.epa.gov/infrastructure/drinkingwater/dwns/index.cfm>). Most nonregulatory funding needs typically involve installing, upgrading, or replacing transmission and distribution infrastructure to allow a public water system to continue to deliver safe drinking water and maintain compliance. Projects attributable to SDWA regulations typically involve the upgrade, replacement, or installation of treatment technologies. CRS Report RS22037, *Drinking Water State Revolving Fund (DWSRF): Program Overview and Issues*, by Mary Tiemann.

¹³⁵ Clean Water SRF capitalization grants are awarded to states according to a statutory formula established in the Clean Water Act. The Drinking Water SRF capitalization grants are awarded among the states based on a formula developed administratively by EPA, using the results of a drinking water needs survey to determine allotments among the states.

¹³⁶ P.L. 111-5, the ARRA of 2009, included \$4.0 billion in supplemental funding for FY2009 for the Clean Water SRF capitalization grants and \$2.0 billion for the Drinking Water SRF capitalization grants.

¹³⁷ H.Rept. 112-589 on H.R. 6091, p. 6.

¹³⁸ *Ibid.*

addressing hazardous air pollutants (including mercury), particulate matter emissions and other ambient air quality pollutants, and livestock operation air emissions. The House committee-reported bill included a number of general provisions addressing EPA's use of FY2013 funds for the development, implementation, or enforcement of CAA regulatory actions. Some of these provisions were similar to general provisions included in the FY2012 Interior appropriations law (P.L. 112-74), and proposed during deliberations on the FY2011 EPA appropriations.¹³⁹ The impacts of several of these CAA actions on various sectors of the economy also were topics of multiple hearings and proposed legislation before authorizing committees.

In its report, the House Committee expressed skepticism with regard to the repackaging of existing program activities and funding new ones as "climate change" programs, noting that in the Interior, Environment, and Related Agencies appropriations alone, funding for programs identified as "climate change" nearly doubled from \$192.0 million to \$372.0 million between FY2008 and FY2011.¹⁴⁰ Citing its concern with the number of new, seemingly duplicative programs and a lack of effective coordination and communication of climate change activities, budgets, and accomplishments across the federal government, the House Committee proposed cutting climate change funding by 29% in H.R. 6091 as reported.¹⁴¹ Similar to the FY2012 appropriations, the House committee-reported bill included a general provision that would have required the President to submit a comprehensive report to the House and Senate Appropriations Committees detailing all federal (including EPA) obligations and expenditures, domestic and international, for climate change programs and activities by agency for FY2012.

EPA is one of 17 federal agencies that have received appropriations for climate change activities in recent fiscal years. EPA's share of this funding is relatively small, but EPA's policy and regulatory roles are proportionately larger than other federal agencies and departments. Issues that have emerged within the context of appropriations include (1) how different agency programs may be complementary or duplicative, (2) how these programs may together constitute an effective strategy to achieve U.S. objectives, and (3) whether there are gaps or opportunities for efficiencies that may be addressed.

Appropriated funds for EPA's climate change and air quality actions are distributed across several program activities under multiple appropriations accounts. Because of variability in these activities and modifications to account structures from year to year, it is difficult to compare the overall combined funding included in appropriations bills with the President's request¹⁴² and prior year enacted appropriations. However, comparisons can be made among certain activities for which Congress does specify a line-item in the appropriations process. For example, the House committee-reported bill would have provided a total of \$372.5 million for FY2013 within the EPM and the S&T accounts for EPA "clean air and climate" programs, compared to the

¹³⁹ Congress has addressed EPA's development of certain CAA regulations through the appropriations process in the past—either explicitly providing or restricting the availability of agency funds for such purposes, and these issues were debated extensively during the FY2012 and FY2011 appropriations processes. See CRS Report R42332, *Environmental Protection Agency (EPA) FY2012 Appropriations*, by Robert Esworthy, and CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

¹⁴⁰ H.Rept. 112-589 on H.R. 6091, p. 9.

¹⁴¹ *Ibid.*

¹⁴² Congress does not appropriate funding based on EPA's strategic performance goals; however, the President's FY2013 request included \$1.12 billion for FY2013 across multiple appropriations accounts to support the agency's strategic objective: "Taking Action on Climate Change and Improving Air Quality," which was \$98.4 million above the FY2012 level of \$1.03 billion. See EPA's FY2013 Congressional Justification, pp. 15-32, <http://www.epa.gov/planandbudget/annualplan/fy2013.html#FY13budget>.

President's FY2013 request of \$440.3 million, and the FY2012 appropriation of \$410.5 million. Also within the S&T account, the House committee-reported bill included \$95.0 million for "Research: Air, Climate, and Energy" for FY2013, compared to the FY2013 request of \$105.9 million and the FY2012 enacted level of \$98.8 million.¹⁴³

Under the STAG account, the House committee-reported bill included \$200.7 million for State and Local Air Quality Management grants, \$100.8 million less than the FY2013 request of \$301.5 million and \$35.0 million less than the FY2012 enacted level of \$235.7 million. The House Committee expressed, in report language, that no funds within this line item would be provided for greenhouse gas (GHG) permitting grants, or for the GHG reporting rule within this program activity.¹⁴⁴ Also within the STAG account, the House Committee included \$30.0 million for the Diesel Emission Reduction Grants program for FY2013, \$15.0 million more than the FY2013 request and roughly the same as FY2012, and would have funded state indoor radon (categorical) grants at the FY2012 level of \$8.0 million. The FY2013 request proposed eliminating the radon categorical grant program on the grounds that states had the necessary technical expertise and program funding in place to continue radon protection efforts without federal funding.¹⁴⁵

Cleanup of Superfund Sites and Brownfields

The Hazardous Substance Superfund account (or Superfund account) supports the assessment and cleanup of sites contaminated from the release of hazardous substances. EPA administers these activities under the Superfund program, as authorized in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).¹⁴⁶ As indicated in **Table 12**, the House committee-reported bill would have provided a total of \$1.16 billion for the Superfund account in FY2013, \$11.5 million less than the FY2013 request of \$1.18 billion and \$48.9 million less than the FY2012 appropriation of \$1.21 billion. Funding levels for the Superfund account had averaged approximately \$1.25 billion over the prior decade (not accounting for inflation), with the exception of \$600.0 million in supplemental funds provided for FY2009 in P.L. 111-5.

Debate over the sufficiency of funding for the Superfund program has centered primarily on the pace and adequacy of cleanup. Most of the funding within the Superfund account is allocated to the cleanup of sites that EPA has placed on the National Priorities List (NPL). The House Appropriations Committee recommended \$546.8 million in FY2013 for the performance of "remedial" actions at these sites. These actions are the central element of CERCLA that are intended to address long-term risks to human health and the environment. The committee's recommendation was a \$15.0 million increase above the President's FY2013 request of \$531.8 million but \$18.2 million less than the FY2012 appropriation of \$565.0 million. The House Appropriations Committee recommended \$188.5 million for Superfund "emergency response and removal" actions, the same as the President requested and \$1.1 million less than the FY2012 appropriation of \$189.6 million. These actions are shorter-term measures that are intended to address more immediate hazards.

The remainder of the Superfund account funds EPA's research of cleanup technologies, independent evaluation of the program by the EPA Office of Inspector General, homeland security activities related to hazardous substance incidents, various activities that support cleanup

¹⁴³ H.Rept. 112-589 on H.R. 6091. See table on pp. 170-171.

¹⁴⁴ H.Rept. 112-589 on H.R. 6091, p. 66.

¹⁴⁵ See references in EPA's FY2013 Congressional Justification, pp.15-16, 20-21, 777-778, <http://www.epa.gov/planandbudget/annualplan/fy2013.html#FY13budget>.

¹⁴⁶ CERCLA (42 U.S.C. §9601 et seq.) requires responsible parties to pay for the cleanup of environmental contamination, and authorizes the cleanup of sites where the responsible parties cannot pay or cannot be found.

efforts, oversight of federal facility cleanups, and enforcement of cleanup liability. The enforcement of liability is a core tenet of CERCLA to ensure that the responsible parties pay for the cleanup whenever possible, so as to reserve Superfund appropriations for abandoned sites at which there are no viable responsible parties to pursue. The adequacy of resources to enforce liability and reduce the burden of cleanup costs on the taxpayer has been a long-standing issue. The House Appropriations Committee recommended \$169.4 million in FY2013 for Superfund enforcement, a decrease of \$15.0 million below the President's request of \$184.4 million and of \$17.3 million below the FY2012 appropriation of \$186.7 million.

Some Members, states, and communities have expressed concerns that budgetary constraints could jeopardize the availability of funding for ongoing remediation at some Superfund sites. The President's FY2013 budget request indicated that reduced funding would be prioritized for ongoing remedial projects and that no new remedial projects would be started with federal funds. The increase for remedial projects that the House Appropriations Committee recommended above the President's request would have provided additional resources, although less than enacted for FY2012. EPA also could still begin new remedial projects in FY2013 at sites financed with private settlement funds paid to EPA from the responsible parties, or at sites directly led by the responsible parties with EPA oversight. Approximately 70% of the sites on the NPL are financed by the responsible parties and do not rely upon Superfund appropriations to ensure the performance of the cleanup.

In addition to specifying funding, the House Appropriations Committee provided direction to EPA regarding particular elements of the Superfund program.¹⁴⁷ Among them, the committee-reported bill would have prohibited EPA from using any funds in the bill to proceed with its development or implementation of financial responsibility requirements for those who may release hazardous substances. In its report, the committee elaborated that no funding would be provided until the agency completed an analysis of the capacity of the financial and credit markets to provide the necessary assurances for industry to demonstrate financial responsibility. Although the lack of these requirements has been a long-standing issue among those concerned about the capability of potentially responsible parties to satisfy their cleanup liability if contamination were to occur, the committee noted its concern that proceeding with new financial responsibility requirements under current economic conditions may impose an undue burden on industry. The committee also directed EPA to submit a report on the "practical and legal implications" of re-prioritizing private settlement funds deposited in Superfund Special Accounts, and to continue to report annually on the use of Superfund Alternative Approach agreements under which the responsible parties pay for the cleanup of specific sites.

Concerns about the financial capability of responsible parties to pay for the cleanup of contamination also have been at the center of the long-standing debate as to whether Superfund taxes on industry should be reinstated to help support the Hazardous Substance Superfund Trust Fund.¹⁴⁸ Congress appropriates monies from this trust fund to finance EPA's Superfund program. The President's FY2013 budget request included a proposal to reinstate Superfund taxes beginning in 2013 and ending in 2022. Historically, these taxes provided most of the revenues for the trust fund until the taxing authority expired at the end of 1995. As the remaining revenues were expended over time, Congress increased the portion of revenues from the General Fund of the U.S. Treasury to help compensate for the loss in revenues from the expired industry taxes.

¹⁴⁷ H.Rept. 112-589 on H.R. 6091, pp. 61-62.

¹⁴⁸ The Superfund tax consisted of two excise taxes, one on petroleum and one on chemical feedstocks, and a special environmental tax on corporate income. The authority to collect these taxes expired on December 31, 1995.

General revenues now constitute most, but not all, of the revenues for the trust fund.¹⁴⁹ The reinstatement of Superfund taxes would be subject to reauthorizing legislation.

The adequacy of funding for the cleanup of brownfields that are not addressed under the Superfund program also has been an issue. Brownfields generally are lower risk sites where the known or suspected presence of contamination may present an impediment to economic redevelopment. EPA's Brownfields program awards competitive grants to state and local governmental entities for the assessment and cleanup of individual sites, and formula grants to help states enhance their own cleanup programs. These grants are funded within the STAG account. EPA's expenses to administer the program are funded separately within the EPM account. The House Appropriations Committee recommended a total of \$131.2 million within these two accounts for EPA's Brownfields program in FY2013, a decrease below the President's request of \$166.5 million and the FY2012 appropriation of \$167.8 million, continuing an overall trend downward since FY2009. The committee's proposed decrease for FY2013 is attributed to a reduction for competitive grants of 36% below the President's request and of 37% below the FY2012 appropriation. The committee noted its support for "the continued work of the Brownfields program, but at a reduced rate."¹⁵⁰

Title III: Related Agencies

Department of Agriculture: Forest Service¹⁵¹

The Forest Service (FS) manages 193 million acres of national forests, national grasslands, and a tallgrass prairie in 44 states and the Commonwealth of Puerto Rico; provides technical and financial assistance to states, tribes, and private forest landowners; and conducts research on sustaining forest resources for future generations.

The FY2013 bill reported by the House Appropriations Committee contained \$4.68 billion for the Forest Service. This was \$86.0 million (2%) more than the FY2012 appropriation (\$4.59 billion) and \$169.2 million (3%) less than the Administration requested for FY2013 (\$4.85 billion).

The committee expressed that active forest management was the priority in its recommendations due to concerns about the health of national forests.¹⁵² The committee's report contained various directives. For instance, the committee directed the U.S. Department of Agriculture (USDA) to award a grant or contract to the National Academy of Public Administration to conduct an in-depth review of the USDA Administrative Solutions Services Project as it affects the FS.¹⁵³ The committee also directed the FS to examine the amount of personnel and resources in offices to identify duplicative functions, and to include its findings and recommendations in the FY2014 budget request.¹⁵⁴

¹⁴⁹ Cost recoveries collected from the responsible parties, fines and penalties assessed for violations of cleanup requirements, and interest on the unexpended balance of the trust fund continue to contribute receipts.

¹⁵⁰ H.Rept. 112-589 on H.R. 6091, p. 65.

¹⁵¹ For more information on FS funding, congressional clients may contact Katie Hoover. For more information on Wildland Fire Management specifically, congressional clients may contact Kelsi Bracmort.

¹⁵² H.Rept. 112-589 on H.R. 6091, p. 67.

¹⁵³ The Administrative Solutions Services Project is focused on finding better, more effective, more efficient ways to deliver administrative services across USDA.

¹⁵⁴ H.Rept. 112-589 on H.R. 6091, p. 68.

The committee-reported bill also contained directives to the FS. For example, it required the FS to submit a formal request to the Council on Environmental Quality (CEQ) for authorization to use “alternative arrangements” for compliance with the National Environmental Policy Act (NEPA) for post-fire restoration and rehabilitation activities pertaining to large-scale wildfires on National Forest System land that burned more than 250,000 acres in 2011 or 2012 if a formal request was not previously made. There is an existing authority for the FS to contact CEQ for “alternative arrangements” to comply with NEPA under circumstances deemed an “emergency.”¹⁵⁵ Pursuant to the existing CEQ regulations, the Forest Service is not required to obtain CEQ “authorization” before pursuing alternative arrangements for complying with NEPA. Instead, the agency could consult with CEQ to determine the most appropriate arrangements to take the place of the normal NEPA compliance process and implement those arrangements in cooperation with CEQ.

As shown in **Table 13**, FS appropriations are provided in several major accounts: Forest and Rangeland Research (R&D); State and Private Forestry (S&PF); National Forest System (NFS); Capital Improvement and Maintenance (CIM); Land Acquisition; Wildland Fire Management (WFM); and Other. Wildland Fire Management, nearly half of the FS budget request, is discussed with DOI Wildland Fire Management in the “Cross-Cutting Topics” section at the end of this report.

Table 13. Appropriations for the Forest Service (FS), FY2012-FY2013
(\$ in millions)

	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Forest Service			
Forest and Rangeland Research	295.3	292.8	247.8
State & Private Forestry	252.9	250.7	183.0
National Forest System	1,554.1	1,623.6	1,495.5
Capital Improvement and Maintenance ^a	382.1	334.4	344.1
Land Acquisition ^b	53.7	59.1	17.7
Other	5.9	2.4	4.4
Wildland Fire Management ^c	2,050.2	2,286.4	2,387.8
Total Appropriations	4,594.3	4,849.4	4,680.2

- a. Reflects savings from the deferral of payments to the road and trail fund.
- b. Figures include funds for the Land Acquisition account, which are derived from the Land and Water Conservation Fund (LWCF), as well as other Forest Service acquisitions. For the LWCF Land Acquisition account only, the FY2012 appropriation was \$52.5 million, the FY2013 request was \$57.9 million, and the FY2013 committee-reported figure was \$16.5 million.
- c. These figures reflect the use of previously enacted emergency suppression funds; see “Wildland Fire Management” under Cross-Cutting Topics.

¹⁵⁵ 40 C.F.R. 1506.11. The FS has undertaken this process for post-fire rehabilitation once since NEPA’s inception. See CEQ alternative arrangements pursuant to 40 CFR Section 1506.11 – Emergencies table at http://ceq.hss.doe.gov/nepa/eis/Alternative_Arrangements_Chart_092908.pdf.

Forest and Rangeland Research

Seven research program areas are contained within the Forest and Rangeland Research account—wildland fire and fuels; invasive species; recreation; resource management and use; water, air, and soil; wildlife and fish; inventory and monitoring—along with forest inventory and analysis. This account received an overall decrease under the committee-reported bill. Specifically, the committee provided \$247.8 million for Forest and Rangeland Research, \$45.0 million less than the FY2013 Administration’s request (\$292.8 million) and \$47.5 million less than the FY2012 level (\$295.3 million). The committee expressed “deep concern” about the Forest and Rangeland Research program on the grounds that “many research stations have fixed costs that exceed 90 percent of their budget with no long-term plan to remedy this problem.” The committee also asserted a lack of coordination among research stations, national forests, regional offices, and FS headquarters.¹⁵⁶

State and Private Forestry

State and Private Forestry (S&PF) programs provide financial and technical assistance to states and to private forest owners. The bill reported by the House Appropriations Committee contained \$183.0 million for S&PF programs. This was \$67.7 million less than the Administration had requested (\$250.7 million) and \$69.9 million less than the FY2012 level (\$252.9 million). The decrease in funding for the S&PF programs is mostly attributable to a decrease for the Forest Legacy Program,¹⁵⁷ and shifting the cooperative fire protection programs (e.g., state fire assistance, and volunteer fire assistance) to be funded under the Wildland Fire Management account state fire assistance and volunteer fire assistance line items.

The committee supported the Administration’s request to consolidate funding for forest health management in the State and Private Forestry account. Funding for forest health management (e.g., federal lands and cooperative lands) was transferred from the Wildland Fire Management account to the federal lands forest health management program in the State and Private Forestry account. The committee approved funding at \$112.0 million, as requested by the Administration, an increase of \$24.6 million over FY2012. The committee also supported a new line item in this account—landscape scale restoration—with \$16.0 million. This was \$2.0 million less than the Administration’s request. Funds for landscape scale restoration are to be used to restore the health and resiliency of forests and communities in priority areas identified by states through competitive projects. The committee-reported bill also contained \$6.0 million for international forestry, a \$2.0 million decrease from FY2012 (\$8.0 million) but a \$2.1 million increase over the Administration’s request (\$3.9 million).

National Forest System

For FY2013, the bill reported by the House Appropriations Committee contained \$1.50 billion for the National Forest System (NFS), which was \$128.1 million less than the Administration request (\$1.62 billion) and \$58.7 million less than the FY2012 enacted level (\$1.55 billion). The committee did not approve the Administration’s request for a major restructuring of the NFS

¹⁵⁶ H.Rept. 112-589 on H.R. 6091, pp. 68-69.

¹⁵⁷ For more information on Forest Legacy, see the “Other Purposes” portion of the “Land and Water Conservation Fund” section of this report.

account, similar to requests made in FY2011 and FY2012.¹⁵⁸ However, the committee did approve the continuation of the restructuring proof of concept pilot established in FY2012.¹⁵⁹

A major change in the committee bill versus FY2012 was the elimination of funding for FS planning, which was funded at \$39.9 million in FY2012. The committee expressed “significant concerns” about the implementation and cost of the recently revised planning rule.¹⁶⁰ The committee stated a belief that “the Forest Service has ignored the direction of Congress embodied in the National Forest Management Act” and that the “rule places too many conflicting requirements on forest plans and will likely lead to increased litigation.”¹⁶¹ Also, a provision of the committee-reported bill will allow the FS to use the 1982 planning rule procedures for revised plans in place of the 2012 planning rule.

Among other noteworthy items in the committee-reported bill are provisions related to travel management plans and forest products. The bill would have prohibited the implementation of travel management plans in California until the FS completes additional analysis to include more routes.¹⁶² The bill also increased funding by 2% for the Forest Products, Vegetation and Watershed Management, and Wildlife and Fish Habitat Management line items within the NFS account in an effort to improve the health of national forests, protect communities from catastrophic wildfires, and to maintain forest products mills and logging infrastructure.

Capital Improvement and Maintenance

This account includes funding for the construction and maintenance of facilities, roads, and trails, as well as for deferred maintenance (i.e., the maintenance backlog). For FY2013, the House committee-reported bill contained \$344.1 million for Capital Improvement and Maintenance, which was \$9.7 million more than the Administration’s request (\$334.4 million) and \$38.0 million less than the FY2012 enacted level (\$382.1 million). Legacy roads and trails received \$35.0 million, a decrease of \$9.9 million from the FY2012 level (\$44.9 million). The Administration had proposed shifting funding for Legacy Roads to another account, which the committee did not support. Funds for legacy road remediation are used to decommission roads, repair and maintain roads and trails, remove fish passage barriers, and protect community water resources.

Deferred maintenance and the backlog of needed infrastructure improvements has continued to be a concern. The agency’s backlog of deferred maintenance was estimated at \$6.0 billion as of September 30, 2012. The House committee-reported bill contained \$7.1 million for FS deferred

¹⁵⁸ The FY2013 Administration request contained a proposal to fully implement the Integrated Resource Restoration (IRR) initiative that was enacted on a pilot basis in FY2012. The request proposed combining several NFS line items with activities from the Wildland Fire Management account and the Capital Improvement and Maintenance account.

¹⁵⁹ The FY2012 appropriations law included a pilot for the IRR for three regions (regions one, three, and four). While the House Appropriations Committee asserted that the pilot should occur for at least three years to understand if the concept works (H.Rept. 112-151 on H.R. 2584, pp. 83, 88), the FY2012 law did not specify the time period for the pilot. The conferees referred to the pilot as a “proof of concept” pilot (H.Rept. 112-331 on H.R. 2055, p. 1081).

¹⁶⁰ U.S. Department of Agriculture, Forest Service, “National Forest System Land Management Planning,” 77 *Federal Register* 21162-21, April 9, 2012.

¹⁶¹ H.Rept. 112-589 on H.R. 6091, p. 71.

¹⁶² The travel management rule (36 CFR part 212, subpart B) requires each administrative unit or ranger district to designate those NFS roads, NFS trails, and areas on NFS lands that are open to motor vehicle use by vehicle class and, if appropriate, by time of year. The travel management rule also requires designated roads, trails, and areas to be identified on a motor vehicle use map. After designated roads, trails, and areas have been identified on the map, motor vehicle use inconsistent with those designations is prohibited under 36 CFR 261.13.

maintenance, matching the Administration's request, and a \$2.0 million decrease from the FY2012 level (\$9.1 million).

Land Acquisition

For FY2013, the bill reported by the House Appropriations Committee contained \$17.7 million for land acquisition, a \$41.4 million decrease from the Administration's request (\$59.1 million) and a \$36.0 million decrease from the FY2012 enacted level (\$53.7 million). Most of the funds for FS land acquisition are derived from the Land and Water Conservation Fund. (For more information, see the "Land and Water Conservation Fund (LWCF)" section of this report.)

Department of Health and Human Services: Indian Health Service¹⁶³

The Indian Health Service (IHS) in the Department of Health and Human Services (HHS) is responsible for providing medical and environmental health services for approximately 2 million American Indians and Alaska Natives (AI/AN) who belong to 566 federally recognized tribes located in 35 states. Health care is provided through a system of facilities and programs operated by IHS, tribes and tribal groups, and urban Indian organizations. In FY2012, IHS operated 29 hospitals, 66 health centers, 2 school-based health centers, and 41 health stations. Tribes and tribal groups, through IHS contracts and compacts, operated another 16 hospitals, 254 health centers, 4 school-based health centers, 74 health stations, and 166 Alaska Native village clinics. Urban Indian organizations operated 33 ambulatory or referral programs.¹⁶⁴ IHS, tribes, and tribal groups also operated 11 residential youth substance abuse treatment centers.¹⁶⁵

For FY2013, the bill reported by the House Appropriations Committee contained a total discretionary appropriation of \$4.49 billion for IHS, which would have been an increase of \$186.9 million (4%) from the FY2012 appropriation of \$4.31 billion. It also would have been \$71.0 million (2%) more than the Administration had requested (\$4.42 billion). Besides discretionary appropriations, IHS also receives funding from third-party reimbursements, mandatory appropriations for a special Indian diabetes program, and rent on personnel quarters. The sum of appropriations, reimbursements, diabetes funding, and rent is IHS's "program level" total. This amount is an estimate because total reimbursements and rent collected will not be known until after the fiscal year is complete. Under the House Appropriations Committee's bill, the IHS program level funding would have been \$5.57 billion, which also would have been \$186.9 million more than the program level estimated under the FY2012 appropriations (\$5.39 billion) and \$71.0 million more than the program level under the Administration's FY2013 request (\$5.50 billion). See **Table 14**.

¹⁶³ For more information on IHS funding, congressional clients may contact Elayne J. Heisler.

¹⁶⁴ U.S. Department of Health and Human Services, Indian Health Service, "IHS Year 2012 Profile," January 2012, <http://www.ihs.gov/PublicAffairs/IHSBrochure/Profile.asp>.

¹⁶⁵ U.S. Dept. of Health and Human Services, Indian Health Service, *Fiscal Year 2013 Indian Health Service Justification of Estimates*.

Table 14. Appropriations for the Indian Health Service (IHS), FY2012-FY2013
(\$ in millions)

	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Indian Health Service			
Indian Health Services			
Clinical Services	3,083.9	3,186.7	3,189.1
—Contract Health Services	843.6	897.6	897.6
—Catastrophic Health Emergency Fund	51.4	51.5	51.5
Preventive Health Services	147.0	150.8	150.8
Other Services	635.3	641.5	709.7
—Urban Health Programs	43.0	43.0	45.5
—Indian Health Professions	40.6	40.6	41.6
—Tribal Management/Self-Governance	8.6	8.6	8.6
—Direct Operations	71.7	72.9	67.6
—Contract Support Costs	471.4	476.4	546.4
Subtotal, Indian Health Services	3,866.2	3,979.0	4,049.6
Indian Health Facilities			
—Maintenance and Improvement	53.7	55.5	55.5
—Sanitation Facilities Construction	79.6	79.6	79.6
—Health Care Facilities Construction	85.0	81.5	81.5
—Facilities and Environmental Health Support	199.4	204.4	204.7
—Equipment	22.6	22.6	22.6
Subtotal, Indian Health Facilities	440.3	443.5	443.9
Total Appropriations	4,306.5	4,422.5	4,493.5
Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections ^a	929.2	929.2	929.2
Special Diabetes Program for Indians ^b	150.0	150.0	150.0
Total Program Level	5,385.7	5,501.7	5,572.7

a. Amounts noted for “Reimbursements from Medicare/Medicaid and Private Insurance, and Other Collections” are IHS estimates as of the submission of the FY2013 budget justification (February 2012). These amounts may be adjusted based on final year data.

b. The Special Diabetes Program for Indians has a direct appropriation of \$150 million for each of fiscal years FY2004 through FY2013 (P.L. 110-275 and P.L. 111-309). This program is funded through the General Treasury; therefore, it is not a part of IHS appropriations.

IHS funding is separated into two accounts: Indian Health Services and Indian Health Facilities. Under the House Appropriations Committee’s reported bill and the Administration’s request for FY2013, approximately 90% of the agency’s appropriation was for Health Services, while the remaining 10% was for the Health Facilities account. This distribution was similar to the distribution included in the FY2012 appropriations law. Below is a discussion of funding for these accounts and some of the major programs included in these accounts.

Indian Health Services

For Health Services in FY2013, the House Appropriations Committee approved \$4.05 billion, which was \$70.6 million more than the Administration's request for FY2013 of \$3.98 billion. Both the committee-reported bill and the Administration's request were higher than the \$3.87 billion appropriated for FY2012 (\$183.4 million and \$112.8 million more, respectively). The House Committee's bill would have provided additional funding for clinical services (\$105.2 million more than the FY2012 appropriation). The House Committee recommended that \$48.4 million of the funds included for clinical services be used to staff new or expanded health care facilities (\$3.6 million more than the Administration had requested for this activity). The Administration had also requested additional funding for clinical services overall, but sought \$2.4 million less than the House committee-reported bill.

The House Committee's bill would have provided higher levels of funding over FY2012 for a number of other programs and activities funded under the Indian Health Services account, including urban Indian health programs, public health nursing programs, and contract health services (CHS). With regard to the latter, both the bill and the Administration's request contained a \$54.0 million increase over FY2012. CHS funds are used to purchase care from outside providers when the IHS-funded facility is unable to directly provide these services. CHS funds are limited; as a result, IHS¹⁶⁶ uses a medical priority system to determine when a CHS referral will be authorized. In requesting increased funds for CHS, the Administration stated that this is a top tribal priority. Congress has raised a number of issues with the CHS program,¹⁶⁷ including concerns about the program's funding level, administration, use of a medical priority system, and number of denials. GAO also recently raised concerns about how CHS funds are allocated across the 12 IHS areas and recommended that Congress require IHS to change how funds are allocated.¹⁶⁸ The House Committee directed IHS to implement GAO's recommendations.¹⁶⁹

The House committee-reported bill also included \$546.4 million for contract support costs (CSC), which was \$70.0 million more than the Administration's request (\$476.4 million) and \$75.0 million more than was appropriated in FY2012 (\$471.4 million). CSC funds are provided to tribes to help pay the costs of administering IHS-funded programs under self-determination contracts or self-governance compacts authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA).¹⁷⁰ CSC pays for costs that tribes incur for such items as financial management, accounting, training, and program start-up. The CSC program has long been subject to shortfalls, resulting in reduced services or decreased administrative efficiency for tribes with contracts and

¹⁶⁶ Or the Indian Tribe or Tribal Organization in instances when tribes operate their own CHS program.

¹⁶⁷ For example, the Senate Committee on Indian Affairs held a hearing about the CHS program. See U.S. Congress, Senate Committee on Indian Affairs, *Oversight Hearing on Promises Made, Promises Broken: The Impact of Chronic Underfunding of Contract Health Services*, 111th Cong., 1st Sess., December 3, 2009 and U.S. Government Accountability Office, *Indian Health Service: Increased Oversight Needed to Ensure Accuracy of Data Used for Estimating Contract Health Service Need*, GAO-11-767, September 23, 2011. The Administration also raised a number of concerns with the CHS program in its FY2013 budget request, see U.S. Dept. of Health and Human Services, Indian Health Service, *Fiscal Year 2013 Indian Health Service Justification of Estimates*.

¹⁶⁸ U.S. Government Accountability Office, *Indian Health Service: Action Needed to Ensure Equitable Allocation of Resources for the Contract Health Service Program*, GAO-12-446, June 15, 2012.

¹⁶⁹ H.Rept. 112-589 on H.R. 6091, p. 81.

¹⁷⁰ 25 U.S.C. §450 et seq.

compacts.¹⁷¹ The committee directed the IHS to explore and report on options for improving transparency of current year contract support cost information.¹⁷²

The committee also sought to require that IHS submit additional reports. One would address the agency's ability to hire dentists; a second report would address IHS personnel issues, including the departure of agency senior staff and recruitment efforts undertaken to fill vacant positions; and a third report, to be undertaken in conjunction with the EPA and BIA, would provide a strategy for addressing deficiencies in sanitation facilities in Indian Country.¹⁷³

Although most programs and activities within the Indian Health Services account would have received increases, the House Committee would have reduced funding for IHS's direct operations to \$67.6 million, a \$4.1 million decrease from FY2012 (\$71.7 million). The Administration had proposed to increase this funding to \$72.9 million.

Indian Health Facilities

For FY2013, the House Committee's bill contained \$443.9 million for the IHS Facilities Account, which was \$0.4 million higher than the Administration's request of \$443.5 million and \$3.5 million more than the \$440.3 million appropriated for FY2012. The increased funding over FY2012 was to be used to support additional maintenance and improvement activities at IHS-funded facilities and also to support facilities and environmental health activities. This would include facility operations and staff who work on environmental health issues such as those that support the sanitation facility construction program. The committee's bill and the Administration's request would have maintained the FY2012 funding level (\$79.6 million) for sanitation facility construction and would have reduced funding for health care facility construction by \$3.6 million, from \$85.0 million to \$81.5 million in FY2013. In FY2012, funding for health facility construction had more than doubled over the FY2011 appropriation.

Smithsonian Institution¹⁷⁴

The Smithsonian Institution (SI) is a museum and research complex consisting of 19 museums and galleries, the National Zoo, and nine research facilities throughout the United States and around the world. Almost 29 million people visited Smithsonian facilities in 2011. Established by federal legislation in 1846 in acceptance of a trust donation by the Institution's namesake benefactor, SI is funded by both federal appropriations and a private trust, with more than \$1.2 billion in total revenue from all sources of funding for FY2011.¹⁷⁵

The bill reported by the House Appropriations Committee included \$789.2 million for FY2013, a decrease of \$21.1 million (3%) from FY2012 appropriations (\$810.2 million) and \$67.7 million (8%) from the FY2013 Administration request (\$856.8 million). See **Table 15**.

¹⁷¹ See U.S. General Accounting Office, *Indian Self-Determination Act: Shortfalls in Indian Contract Support Costs Need to Be Addressed*, GAO/RCED-99-150, June 1999. Also, the Senate Committee on Indian Affairs held a hearing in May of 2008 that discussed these shortfalls. See U.S. Congress, Senate Committee on Indian Affairs, *The Success and Shortfall of Self-Governance Under the Indian Self-Determination and Education Assistance Act After 20 Years*, 110th Cong., 2nd Sess., May 13, 2008.

¹⁷² H.Rept. 112-589 on H.R. 6091, p. 81.

¹⁷³ H.Rept. 112-589 on H.R. 6091, pp. 58, 80-81.

¹⁷⁴ For more information on SI funding, congressional clients may contact Shannon Loane.

¹⁷⁵ Smithsonian Institution, *Come Closer: 2011 Annual Report*. This FY2011 report is the most recent annual report. Together with older annual reports, it is available online at <http://www.si.edu/About/Annual-Report>.

Table 15. Appropriations for the Smithsonian Institution (SI), FY2012-FY2013

(\$ in millions)

Smithsonian Institution	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Salaries and Expenses	635.5	660.3	643.6
—Museums and Research Institutes	245.3	261.6	252.0
—Program Support and Outreach	43.2	44.9	44.6
—Office of Chief Information Officer	45.9	48.5	45.9
—Administration	34.1	35.1	34.1
—Inspector General	2.6	2.9	2.6
—Facilities Services	264.4	267.3	264.4
Facilities Capital	174.7	196.5	145.5
—Revitalization	84.7	100.7	84.7
—Facilities Planning and Design	15.1	10.9	10.9
—Construction	74.9	85.0	50.0
Total Appropriations	810.2	856.8	789.2

Salaries and Expenses

For FY2013, the House Appropriations Committee included \$643.6 million for the SI to fund salaries and expenses for its museums, research centers, and administration. This was an \$8.1 million increase over the FY2012 funding of \$635.5 million and a \$16.7 million decrease from the FY2013 request of \$660.3 million.

The House committee-reported bill included the following:

- \$252.0 million (\$9.5 million less than the FY2013 request of \$261.6 million and \$6.7 million more than the FY2012 level of \$245.3 million) for museums and research institutes. Of the \$252.0 million, the committee included \$19.0 million for the National Museum of African American History and Culture (NMAAHC). This was \$5.6 million over the FY2012 level (\$13.4 million), in order to increase the staff, fundraising capacity, research, and collection-building efforts of the NMAAHC. However, it was \$7.5 million less than the Administration's FY2013 request (\$26.5 million).
- \$44.6 million (\$0.3 million less than the FY2013 request of \$44.9 million and \$1.4 million more than the FY2012 level of \$43.2 million) for program support and outreach. The increase over FY2012 would have been for SI's Collections Care initiative to improve preservation, storage, and accessibility of its collections.
- \$82.6 million (\$4.0 million less than the FY2013 request of \$86.6 million and equal to the FY2012 level) for administration, the Office of the Chief Information Officer, and the Inspector General.
- \$264.4 million (\$2.9 million less than the FY2013 request of \$267.3 million and equal to the FY2012 level) for facilities services.

Facilities Capital

For FY2013, the House Appropriations Committee approved \$145.5 million for facilities capital, \$29.2 million less than the FY2012 level of \$174.7 million and \$51.0 million less than the FY2013 requested amount of \$196.5 million. The funding was to be allocated to three main activities:

- \$84.7 million (a decrease of \$16.0 million from the FY2013 request of \$100.7 million and equal to the FY2012 enacted amount) for baseline revitalization requirements. Included was funding for repairs at the Museum Support Center and the National Air and Space Museum for damage caused by the August 2011 earthquake.
- \$10.9 million (equal to the FY2013 requested amount and a decrease of \$4.3 million from the FY2012 level of \$15.1 million) to fund facilities planning and design.
- \$50.0 million (\$35.0 million less than the FY2013 requested amount of \$85.0 million and \$24.9 million less than the FY2012 level of \$74.9 million) for construction of the NMAAHC, which is scheduled to open in 2015.

Trust Funds

In addition to federal appropriations, the SI receives income from trust funds, which support salaries for some employees, donor-designated capital projects and exhibits, and operations. In FY2011, the SI's net assets totaled almost \$2.8 billion.¹⁷⁶

National Endowment for the Arts and National Endowment for the Humanities¹⁷⁷

The primary vehicles for federal support for the arts and the humanities are the National Foundation on the Arts and the Humanities and the Institute of Museum and Library Services (IMLS).¹⁷⁸ The National Foundation on the Arts and the Humanities is composed of the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). For the National Foundation on the Arts and the Humanities, the House Appropriations Committee approved a total of \$264.0 million, a decrease of \$28.0 million (10%) from the FY2012 enacted level of \$292.0 million and a decrease of \$44.5 million (14%) from the Administration's FY2013 request of \$308.5 million. The committee-reported decreases would have been divided equally between the NEA and NEH, as discussed below.

For FY2013, NEA and NEH each included \$3.0 million for relocation expenses in their requests. Both agencies are anticipating moving from their current headquarters in the Old Post Office Building in Washington, DC, to new, as yet unidentified, headquarters. The committee did not include funding for the agencies' relocation expenses, as the agencies had not included a detailed justification, including specific relocation costs. The committee directed the agencies to work with the General Services Administration to prepare a detailed justification to submit to the committee.¹⁷⁹

¹⁷⁶ Smithsonian Institution, *Come Closer: 2011 Annual Report*.

¹⁷⁷ For more information on NEA/NEH funding, congressional clients may contact Shannon Loane.

¹⁷⁸ The IMLS receives funding through the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts. Discussions of IMLS appropriations are outside the scope of this report.

¹⁷⁹ H.Rept. 112-589 on H.R. 6091, pp. 90-91.

NEA

The NEA is a major federal source of support for all arts disciplines. Since 1965 it has awarded more than 135,000 grants that have been distributed to all states. The House Appropriations Committee approved a total of \$132.0 million for NEA for FY2013. This would have been a \$14.0 million decrease from the FY2012 enacted amount of \$146.0 million and a \$22.3 million decrease from the President's FY2013 request of \$154.3 million.

Within the total, the committee included \$105.5 million for grants, \$16.4 million less than requested (\$121.9 million) and \$9.7 million less than the appropriation for FY2012 (\$115.2 million). For the two largest grant programs funded by the agency, \$52.5 million was recommended for direct grants (a decrease of \$2.6 million from the requested amount of \$55.1 million and a decrease of \$3.6 million from the FY2012 amount of \$56.1 million), and \$35.5 million for state/regional partnership grants (a decrease of \$2.9 million from the requested amount of \$38.4 million and a decrease of \$0.8 million from the FY2012 appropriated amount of \$36.3 million).

With regard to other grants, the committee recommended \$6.0 million for Challenge America grants (\$2.0 million less than the FY2013 request and FY2012 appropriation of \$8.0 million). Challenge America provides matching grants for arts education, outreach, and community arts activities for rural and underserved areas. The committee also approved funding of \$2.5 million (\$7.5 million less than the FY2013 request of \$10.0 million and \$2.5 million less than the FY2012 enacted amount of \$5.0 million) for Our Town, a grant program aimed at arts projects that engage and revitalize communities. See **Table 16**.

Table 16. Appropriations for the Arts and Humanities, FY2012-FY2013
(\$ in millions)

Arts and Humanities	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
National Endowment for the Arts	146.0	154.3	132.0
Grants	115.2	121.9	105.5
Program Support	2.8	2.3	1.5
Administration	28.0	27.1	25.0
Relocation Expenses	0	3.0	0
National Endowment for the Humanities	146.0	154.3	132.0
Grants	107.8	112.5	97.0
Matching Grants	10.7	11.5	10.0
Administration	27.5	27.3	25.0
Relocation Expenses	0	3.0	0
Total NEA & NEH Appropriations	292.0	308.5	264.0

NEH

The NEH generally supports grants for humanities education, research, preservation, and public humanities programs; creation of regional humanities centers; and development of humanities programs under the jurisdiction of the state humanities councils. Since 1965, NEH has awarded

more than 61,000 grants. NEH also supports a Challenge Grant program to stimulate and match private donations in support of humanities institutions.

The House Appropriations Committee approved \$132.0 million for the NEH for FY2013, a decrease of \$14.0 million from the FY2012 appropriation (\$146.0 million) and \$22.3 million less than the FY2013 request (\$154.3 million).

The committee included \$97.0 million in non-matching grant funding, a decrease of \$15.5 million from the request (\$112.5 million) and \$10.8 million from the FY2012 level (\$107.8 million). The largest such program is the federal/state partnership grants program, for which the committee approved \$38.0 million, a decrease of \$2.4 million from the request and from the FY2012 appropriated amount (\$40.4 million).

For the Bridging Cultures initiative, the committee included \$2.5 million, \$6.5 million less than the FY2013 request (\$9.0 million) and \$1.0 million less than the FY2012 appropriation (\$3.5 million). Bridging Cultures awards grants for projects that increase understanding of America's diverse cultural heritage and of other cultures around the world. NEH did not request FY2013 funding for the We the People grant program, which supports exhibitions, films, library programs, professional development programs for teachers, scholarship research on American history and culture, and collection preservation. However, the House Committee stated that it should remain a core NEH grant program as it is "a proven, cost-effective national grant program with broad geographic reach and bipartisan Congressional support."¹⁸⁰ The committee directed that the program receive no less than \$3.5 million for FY2013, an increase of \$0.5 million over the FY2012 amount of \$3.0 million. See **Table 16**.

Cross-Cutting Topics

Land and Water Conservation Fund (LWCF)¹⁸¹

Overview

The LWCF (16 U.S.C. §§4601-4, et seq.) is authorized at \$900 million annually through FY2015. It accumulates revenues primarily from oil and gas leasing in the Outer Continental Shelf, although the federal motorboat fuel tax and surplus property sales also provide smaller amounts of revenues. However, revenues in the LWCF may not be spent without an appropriation.

The LWCF has been used for three purposes. First, the four principal federal land management agencies—Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service—draw primarily from the LWCF to acquire lands. Second, the LWCF funds acquisition and recreational development by state and local governments through a grant program administered by the NPS, sometimes referred to as stateside funding. Third, Congress has appropriated money from the LWCF to fund some related activities; one FWS program and one FS program (discussed below) have consistently received LWCF funding in recent years. Since FY2008, the largest portion of the LWCF appropriation has been for land acquisition (**Table 17**).

¹⁸⁰ H.Rept. 112-589 on H.R. 6091, p. 91.

¹⁸¹ For more information on LWCF funding, congressional clients may contact Carol Hardy Vincent. In addition, for more information on the operation of the LWCF and its funding throughout history, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*, by Carol Hardy Vincent.

From FY1965 through FY2012, a total of about \$34.4 billion was credited to the LWCF. A total of about \$16.2 billion of that amount has been appropriated. Annual appropriations from LWCF have fluctuated considerably over time. **Table 17** shows funding for LWCF since FY2008.

Table 17. Appropriations for the Land and Water Conservation Fund (LWCF), FY2008-FY2013
(\$ in millions)

Land and Water Conservation Fund	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Approp.	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Federal Acquisition	129.1	152.2	265.8	164.7	186.5	257.8	48.8
—BLM	8.9	14.8	29.7	22.0	22.3	33.6	6.7
—FWS	34.6	42.5	86.3	54.9	54.6	106.9	15.0
—NPS	44.4	45.2	86.3	54.9	57.0	59.4	10.5
—FS	41.2	49.8	63.5	32.9	52.5	57.9	16.5
Appraisal Services ^a	0	0	12.1	12.1	12.7	12.1	0
Grants to States	24.6	19.0 ^b	40.0	39.9	44.9	60.0	2.8
Other Programs	101.3	104.1 ^c	132.5	83.8	78.3	120.0	14.4
—Cooperative Endangered Species Grants (FWS)	49.0	54.7 ^d	56.0	30.9	25.0	60.0	11.4
—Forest Legacy (FS)	52.3	49.4 ^c	76.5	52.9	53.3	60.0	3.0
Total Appropriations	255.1	275.3	450.4	300.5	322.3	449.9	66.0

Sources: Tables from the DOI Budget Office, the Appropriations Committees, and *Fiscal Year 2013: The Interior Budget in Brief*.

- a. For FY2008 and FY2009, there were appropriations of \$7.7 million and \$8.0 million, respectively, for appraisal services, but they did not appear to be derived from LWCF.
- b. This figure has been reduced by \$1.0 million due to the use of prior year funds.
- c. This figure has been reduced by \$8.0 million due to the use of prior year funds.
- d. P.L. 111-8 provided \$80.0 million for the Cooperative Endangered Species Conservation Fund, with \$54.7 million derived from the LWCF. It also contained a rescission of \$4.5 million in unobligated balances, for a total appropriation of \$75.5 million. The \$54.7 million reported here does not reflect the rescission, as the law did not specify whether it was to be taken from the LWCF portion of the overall appropriation.

For FY2013, H.R. 6091 as reported by the House Committee on Appropriations contained a total of \$66.0 million for the Land and Water Conservation Fund, similar to the committee's proposal for FY2012. If enacted, this would have been the second-lowest funding level in the history of the program; LWCF was first funded in FY1965 with \$16.0 million. The House committee level would have been a reduction of \$256.3 million (80%) from the FY2012 appropriation of \$322.3 million and of \$383.9 million (85%) from the \$449.9 million requested by the Administration. The committee sought to reduce LWCF funding for FY2013 to focus on oversight of acquisition and state grant projects funded in previous years rather than funding for new acquisitions. In its report, the committee expressed that it will not fund new acquisition projects until the agencies submit "consolidated, prioritized" lists of requested acquisitions for the committee to use "to determine which projects would be implemented with limited funds." The committee also

directed the agencies to implement a standard definition and policy for using funding provided for inholdings.¹⁸²

There continues to be a difference of opinion on the optimal total level of funding for LWCF, and on allocations for the three purposes for which the fund has been used. For example, for FY2013 the Administration sought a \$127.6 million increase (40%) over the FY2012 appropriation. The Administration's FY2012 request was significantly higher still—\$900.0 million. Such “full funding” has occurred only twice in the history of the program.¹⁸³

Land Acquisition

For land acquisition for FY2013, H.R. 6091 as reported contained \$48.8 million, the lowest level since FY1974. All agencies would have received a decrease from FY2012, with a total decrease of \$137.7 million from the FY2012 level of \$186.5 million. The House committee report did not identify the particular lands to be acquired, but noted that funding for new federal acquisitions was limited to small inholdings and recreational access for BLM and FS lands. Also, the committee level was \$209.0 million less than the Administration's request for FY2013 of \$257.8 million. The Administration sought an increase for each of the four land management agencies over FY2012, with a \$71.4 million total increase.

In seeking funds for acquisition projects, since FY2011 the DOI agencies have sought to develop and use consistent, merit-based criteria, according to the department.¹⁸⁴ These criteria were designed to meet common conservation goals, such as developing additional recreational opportunities and maximizing landscape conservation for wildlife and habitat. For FY2013, the criteria used by the DOI agencies included the value of the lands to the agency mission, the feasibility of acquiring and managing the lands, the availability of willing sellers and participating partners, and the extent to which the land is threatened by development. The FS budget justifications since FY2011 also have noted changes to the LWCF program, including the use of selection criteria to rank land acquisition projects. For FY2013, the FS criteria included the extent to which the acquisition would be nationally important, supported by the public and partners, have a landscape level impact, result in improvements in land management, and protect threatened lands.¹⁸⁵ Further, for FY2013 the DOI agencies and the FS sought funding for inter-agency landscape scale acquisition projects and acquisitions to increase recreational access, e.g., for hunting and fishing.

The development and detailing of criteria for acquisitions in part sought to address congressional concerns regarding the land acquisition process, including that to the maximum extent possible, there be a single set of policies among the four agencies for conducting land acquisitions.¹⁸⁶ Nevertheless, the House Appropriations Committee expressed dissatisfaction with the information submitted by the agencies in support of acquisitions proposed for FY2013, specifically a lack of “consolidated, prioritized project lists ... [d]espite repeated requests by the Committee.”¹⁸⁷

The House committee bill did not include funding from the LWCF for the DOI Office of Valuation Services. The office conducts land appraisals related to DOI land acquisitions. The

¹⁸² H.Rept. 112-589 on H.R. 6091, pp. 8-9.

¹⁸³ In those two years the LWCF appropriation exceeded the authorized level. For FY1998 the LWCF appropriation was \$969 million, while in FY2001 the appropriation was \$995 million.

¹⁸⁴ U.S. Dept. of the Interior, *Fiscal Year 2011: The Interior Budget in Brief*, p. DH-37.

¹⁸⁵ Additional information on the criteria used by the FS in determining acquisition priorities is on the agency's website at <http://www.fs.fed.us/land/staff/LWCF/index.shtml>.

¹⁸⁶ H.Rept. 111-316 on H.R. 2996, p. 77-78.

¹⁸⁷ H.Rept. 112-589 on H.R. 6091, p. 9.

FY2012 appropriation from the LWCF for the office was \$12.7 million, and the Administration requested \$12.1 million for FY2013.

Grants to States

For state grants, the House Appropriations Committee approved \$2.8 million for FY2013, \$42.1 million below the FY2012 level of \$44.9 million and \$57.2 million below the \$60.0 million requested by the Administration for FY2013. The \$2.8 million was for administrative expenses related to previous grants, rather than new grants. Seeking to eliminate funds for new grants to states is not a new phenomenon. For example, for several years the Clinton Administration proposed eliminating stateside funding and Congress concurred. The George W. Bush Administration also did not request stateside funding for several years, although Congress provided appropriations for new grants during those years.

Of the \$60.0 million requested by the Administration for FY2013, \$3.5 was for program administration, \$36.5 million was to be distributed in accordance with the formula in law, and \$20.0 million was for a new competitive grant program. The objectives of the proposed competitive program are to fund projects in large urban centers with little or no access to natural areas; reconnect young people and their families to the outdoors; provide access to rivers and waterways; and protect, restore, and connect open space and natural landscapes. The NPS would evaluate proposed projects based on a variety of criteria, including the level of need, expected benefits, and ability to leverage funding. The grants would be provided on a 50:50 federal/state matching basis (as under the formula program). The bill reported by the House Appropriations Committee did not include the proposal.

Other Purposes

For FY2013, the House Appropriations Committee approved \$14.4 million in funding from LWCF for other purposes, \$63.8 million less than the FY2012 level of \$78.3 million and \$105.6 million less than the Administration's request of \$120.0 million for FY2013. If enacted, the committee-reported level would have been the second-smallest since funding for other purposes was first provided in FY1998; no funding for other purposes was provided in FY1999. The funds were for two purposes, the Forest Legacy program and cooperative endangered species grants. The Forest Legacy program funds acquisition of lands and easements to protect forests threatened by land conversion. There are two types of cooperative endangered species grants funded through LWCF—recovery land acquisition grants and habitat conservation plan land acquisition grants. For FY2013, the Administration requested \$60.0 million for Forest Legacy and \$60.0 million for cooperative endangered species grants.

Wildland Fire Management¹⁸⁸

Wildfire protection programs and funding continue to generate controversy. Ongoing discussions include questions about the high cost of fire suppression efforts; locations for various wildfire protection treatments; and whether, and to what extent, environmental analysis, public involvement, and legal challenges to administrative decisions hinder fuel reduction and post-fire rehabilitation.

The FS and DOI wildfire funding includes funds for fire suppression, preparedness, and other operations. For FY2013, the bill reported by the House Appropriations Committee, including FLAME funds (see below) and rescissions, contained \$3.23 billion for Wildland Fire

¹⁸⁸ For more information on funding for Wildland Fire Management, congressional clients may contact Kelsi Bracmort.

Management (WFM). Of the total, \$2.39 billion was for the FS and \$838.5 million was for DOI. This was a \$121.4 million (4%) increase from the Administration's request (\$3.10 billion; \$2.29 billion for the FS and \$818.5 million for DOI) and a \$600.6 million (23%) increase from the FY2012 enacted level (\$2.63 billion; \$2.05 billion for the FS and \$575.4 million for DOI). The increase was largely due to the use of previously enacted emergency suppressions funds as an offset to new appropriations for FY2012 and not adopting the Administration's request to shift funding for hazardous fuels (non-wildland urban interface) under the WFM account to the proposed integrated restoration line item under the NFS account.¹⁸⁹ See **Table 18**.

Table 18. Appropriations for FS and DOI Wildland Fire Management, FY2012-FY2013

	(\$ in millions)		
	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
National Fire Plan			
Forest Service			
—FS Subtotal	1,974.9	1,971.4	2,072.8
—FLAME Funds ^a	315.4	315.0	315.0
—Rescission ^b	-240.0	0	0
Total, FS	2,050.2	2,286.4	2,387.8
DOI			
—DOI Subtotal	755.2	726.5	746.5
—FLAME Funds ^a	91.9	92.0	92.0
—Rescission ^b	-271.6	0	0
Total, DOI	575.4	818.5	838.5
FS and DOI			
—FS & DOI Subtotal	2,730.0	2,697.9	2,819.3
—FLAME Funds ^a	407.2	407.0	407.0
—Rescission ^b	-511.6	0	0
Total Appropriations	2,625.7	3,104.9	3,226.3

Notes: Includes funding only from DOI and FS Wildland Fire Management accounts. This table differs from the detailed tables in CRS Report RL33990, *Federal Funding for Wildfire Control and Management*, by Kelsi Bracmort, because that report rearranges data to distinguish funding for different purposes and reflects fire assistance funds from other FS accounts.

a. Reflects FLAME Wildfire Suppression Reserve account.

b. Reflects use of previously enacted emergency suppression funds and rescission of unobligated balances.

Wildfire Preparedness

This program provides funding for baseline staffing, training, and equipment. The FY2013 committee-reported bill contained \$1.28 billion for preparedness (\$279.5 million for DOI and \$1.00 billion for the FS). This matched the Administration's request, and was a decline of \$2.9 million for the FS and an increase of \$3.0 million for DOI relative to the FY2012 level. The

¹⁸⁹ The FS suggested a similar shift in the FY2012 request, which was not included in the FY2012 appropriations law.

Administration's request included \$24.0 million to modernize the large air tanker fleet used for fire fighting.¹⁹⁰

Wildfire Suppression

This program funds agency fire control activities while wildfires are burning (e.g., for initial attack on most fires), but before they meet the criteria for FLAME funding. The FY2013 committee-reported bill contained \$892.5 million for wildfire suppression (\$276.5 million for DOI and \$616.0 million for the FS), matching the Administrations' request. This was an \$83.8 million increase from the FY2012 level (\$808.7 million). This included an increase of \$6.0 million for DOI and \$77.8 million for the FS over the FY2012 level to address unplanned fire incidents that threaten lives, property, and resources.

Other Wildfire Operations

Other wildfire operations include a variety of activities. The largest is fuel reduction treatments, followed by FS state fire assistance. For FY2013, the committee-reported bill contained \$512.3 million for "hazardous" fuel reduction (\$167.3 million for DOI and \$345.0 million for the FS). This was a \$125.4 million increase from the Administration's request of \$386.9 million (\$145.3 million for DOI and \$241.6 million for FS), in part due to the Administration's proposal to shift FS funding to the another FS account. The House committee level would have been a \$12.2 million increase from the FY2012 level of \$500.1 million (\$183.0 million for DOI and \$317.1 million for the FS). (For more information, see the "Department of Agriculture: Forest Service" section of this report.)

The FY2013 committee-reported bill contained \$13.0 million for site rehabilitation, the same as the FY2012 level and the Administration's FY2013 request.¹⁹¹ Funding for site rehabilitation was limited to DOI, as FS funding was not included in FY2012 appropriations or in the FY2013 Administration's request. However, other agency appropriations are available for post-fire site rehabilitation. The bill would have funded DOI fire facilities at \$4.1 million, a \$2.0 million decrease from both the Administration's request and the FY2012 enacted level of \$6.1 million. For research, the bill contained \$31.9 million, a decrease of \$3.1 million from the enacted FY2012 level (\$34.9 million) and of \$2.0 million from the Administration's request of \$33.9 million.¹⁹² The committee supported the consolidation proposed by the Administration to shift funding for FS state and volunteer fire assistance from State and Private Forestry, to consolidate funds for these purposes in Wildland Fire Management in order to improve program management and reduce administrative complexity. The FY2013 committee-reported bill contained \$72.7 million and \$11.7 million for the FS state fire assistance and volunteer fire assistance line items, respectively. This matched the Administration's request.

In its report, the committee "strongly encouraged" the FS to submit two "critical" reports on wildfire management. The first report, on the results of the nationwide assessment of the Forest Service's night flying operations, would have been due within 90 days of enactment of the bill.

¹⁹⁰ The conferees on the FY2012 appropriations bill directed the FS to complete a plan to replace the aging fleet of federal air tankers as soon as possible and work with DOI in developing a strategy to do so. H.Rept. 112-331 on H.R. 2055, pp. 1068 and 1084. In January 2012, the USDA Forest Service released the report *Large Airtanker Modernization Strategy*.

¹⁹¹ Calculation includes FS rehabilitation line item and DOI burned area rehabilitation line item.

¹⁹² Research line items include FS fire plan research and development, the FS joint fire sciences program, and DOI joint fire science.

The second report, on the third and final phase of the cohesive wildland fire strategy as required by the FLAME Act, would have been due within 180 days of enactment of this bill.¹⁹³

FLAME Funding

The FY2010 Interior appropriations law modified the traditional approach to funding wildfire suppression. Title V, the Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009, established in the Treasury the FLAME Wildfire Suppression Reserve Fund for DOI and the FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture (for the Forest Service). The funds are to be used to cover the costs of large or complex fires, when amounts provided in the Wildland Fire Management accounts for suppression and emergency response are exhausted. The requirements are the same for the two accounts. Each Secretary may transfer funds from the FLAME fund into the respective Wildland Fire Management account, for suppression activities, upon a secretarial declaration. The declaration may be issued if the fire covers at least 300 acres or threatens lives, property, or resources, among other criteria. The conferees on the FY2010 bill stated their intent that the money in the FLAME funds, together with appropriations through the Wildland Fire Management accounts, should fully fund suppression needs and prevent borrowing funds from other programs. They directed the Secretaries to develop new methods of estimating fire suppression funding needs as part of their budget requests.

The committee-reported bill contained \$407.0 million (\$315.0 million for the FS and \$92.0 million for DOI) in FLAME funds. This matched the Administration's request and was an \$0.2 million decrease from the FY2012 level of \$407.2 million (315.4 million for the FS and \$91.9 million for DOI).

Five-Year Appropriations History

Table 19 and **Figure 1** show appropriations for Interior, Environment, and Related Agencies for the five-year period from FY2008 through FY2012. **Table 19** also includes FY2013 funding requested by the Administration and contained in H.R. 6091 as reported by the House Committee on Appropriations. It shows the appropriations by agency during this period, as well as the total appropriations contained in each title of the appropriations law and the overall total in the law. The graph depicts the appropriations provided for each of the three main titles of the law: Title I, Department of the Interior; Title II, Environmental Protection Agency; and Title III, Related Agencies.

Table 19. Appropriations for Interior, Environment, and Related Agencies, FY2008-FY2013
(\$ in thousands)

Bureau or Agency	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Approp.	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
<i>Title I: Department of the Interior</i>							
Bureau of Land Management ^a	1,007,897	1,343,596	1,133,604	1,113,886	1,113,535	1,108,031	1,073,871

¹⁹³ H.Rept. 112-589 on H.R. 6091, p. 78.

Bureau or Agency	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Approp.	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
U.S. Fish and Wildlife Service	1,441,301	1,720,451	1,646,832	1,503,238	1,475,571	1,347,586	1,159,000
National Park Service	2,390,488	3,275,834	2,743,730	2,611,142	2,579,620	2,578,650	2,445,198
U.S. Geological Survey	1,006,480	1,183,803	1,111,740	1,083,672	1,068,032	1,102,492	967,000
Bureau of Ocean Energy Management, Reg. & Enforcement ^b	118,053	116,676	181,520	225,743	—	—	—
Bureau of Ocean Energy Management	—	—	—	—	59,696	62,701	59,696
Bureau of Safety and Environmental Enforcement	—	—	—	—	76,274	96,298	76,274
Office of Surface Mining Reclamation and Enforcement	170,411	164,702	162,868	162,443	150,112	140,601	150,079
Bureau of Indian Affairs	2,291,279	2,876,131	2,619,560	2,594,012	2,531,273	2,526,634	2,568,075
Departmental Offices ^c	474,236	495,790	540,999	494,204	634,768	609,063	590,183
Department-Wide Programs ^d	1,477,066	1,014,374 ^e	958,357	881,190	653,748	904,981	910,542
Subtotal, Title I: Department of the Interior	10,377,211	12,191,357^e	11,047,210^f	10,627,530^g	10,300,629^g	10,437,037^h	9,959,918^h
Subtotal, Title II: Environmental Protection Agency	7,461,496	14,855,674	10,291,864	8,682,117	8,449,385	8,344,480	7,055,041
<i>Title III: Related Agencies</i>							
U.S. Forest Service	5,804,428	6,095,794	5,297,256	4,685,044	4,594,260	4,849,412	4,680,247
Indian Health Service	3,346,181	4,081,124	4,052,375	4,069,220	4,306,527	4,422,476	4,493,476
National Institute of Environmental Health Sciences	77,546	78,074	79,212	79,054	78,928	78,928	74,928
Agency for Toxic Substances and Disease Registry	74,039	74,039	76,792	76,638	76,215	76,300	74,039

Bureau or Agency	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Approp.	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Council on Environmental Quality and Office of Environmental Quality	2,661	2,703	3,159	3,153	3,148	3,106	2,661
Chemical Safety and Hazard Investigation Board	9,263	10,199	11,147	10,777	11,129	11,403	10,000
Office of Navajo and Hopi Indian Relocation	8,860	7,530	8,000	7,984	7,738	8,400	7,600
Institute of American Indian and Alaska Native Culture and Arts Development	7,183	7,900	8,300	8,283	8,519	9,369	8,348
Smithsonian Institution	682,629	756,400	761,395	759,639	810,232	856,833	789,178
National Gallery of Art	117,866	122,756	167,005	158,650	128,376	143,000	125,800
John F. Kennedy Center for the Performing Arts	42,674	36,364	40,447	36,347	36,791	35,967	35,967
Woodrow Wilson International Center for Scholars	9,844	10,000	12,225	11,203	10,987	10,492	10,492
National Endowment for the Arts	144,706	205,000	167,500	154,690	146,021	154,255	132,000
National Endowment for the Humanities	144,707	155,000	167,500	154,690	146,021	154,255	132,000
Commission of Fine Arts	2,059	2,234	2,294	2,289	2,396	2,175	2,175
National Capital Arts and Cultural Affairs	8,367	9,500	9,500	2,994	1,997	0	1,950
Advisory Council on Historic Preservation	5,265	5,498	5,908	5,896	6,098	7,023	5,723
National Capital Planning Commission	8,136	8,328	8,507	8,490	8,141	7,977	7,977
U.S. Holocaust Memorial Museum	44,786	47,260	49,122	49,024	50,717	51,788	49,900

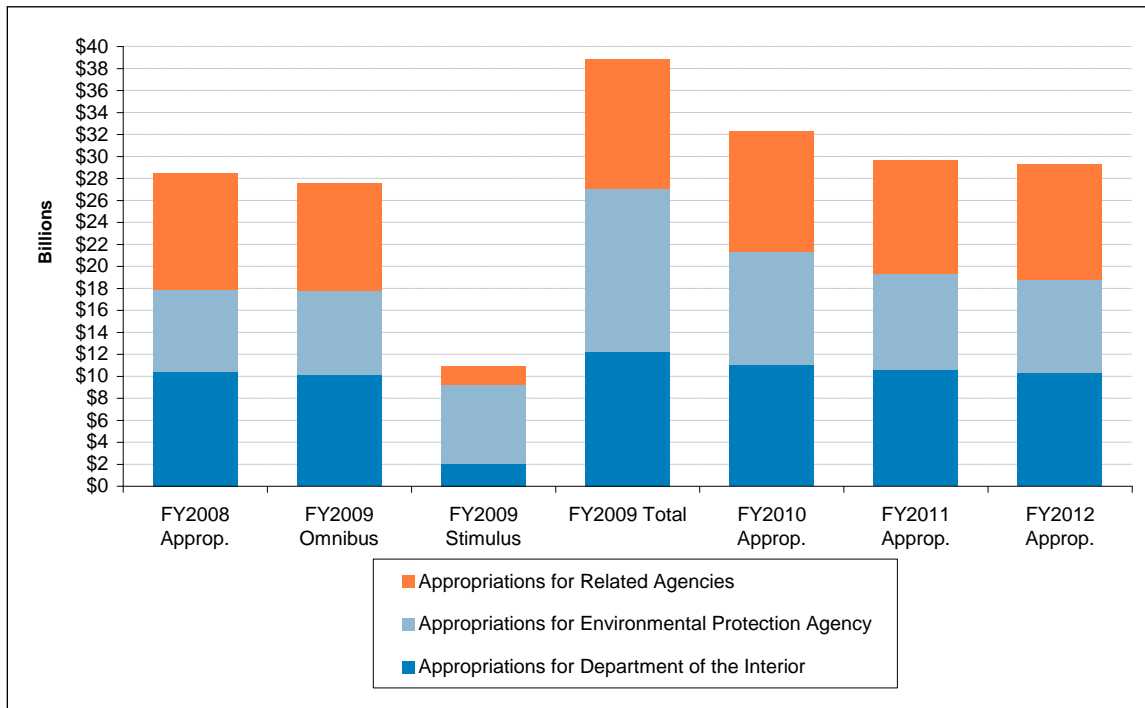
Bureau or Agency	FY2008 Approp.	FY2009 Approp.	FY2010 Approp.	FY2011 Approp.	FY2012 Approp.	FY2013 Request	FY2013 House Comm. Report
Presidio Trust	22,051	17,450	23,200	14,970	11,981	0	0
White House Commission on the National Moment of Remembrance	197	0	0	0	0	0	0
Dwight D. Eisenhower Memorial Comm.	1,969	2,000	19,000	0	32,937	59,840	0
Subtotal, Title III: Related Agencies	10,565,417	11,735,153	10,969,844	10,299,035	10,479,159	10,942,999	10,644,461
Grand Total Approps. (in Bill)ⁱ	28,416,852	38,791,184	32,319,918	29,610,682	29,229,412	29,724,516	27,659,420

Source: House and Senate Appropriations Committees.

- a. Figures do not reflect funding appropriated to the Bureau of Land Management for Wildland Fire Management. These fire funds are included under Department-Wide Programs, consistent with the change to fund Department of the Interior (DOI) firefighting from this account beginning with FY2009.
- b. Figures for FY2008-FY2010 represent funding for the former Minerals Management Service. For FY2011, the figure represents funding for the Bureau of Ocean Energy Management, Regulation, and Enforcement. Since FY2012, funding has been provided through three new entities: the Bureau of Ocean Energy Management; the Bureau of Safety and Environmental Enforcement; and the Office of Natural Resources Revenue, within the Office of the Secretary. Funding for the Office of Natural Resources Revenue is included in this table within the appropriation for Departmental Offices.
- c. The Departmental Offices figure currently includes the Office of the Secretary, Insular Affairs, Office of the Solicitor, Office of Inspector General, and Office of Special Trustee for American Indians. For comparative purposes, figures in earlier years have been adjusted to reflect funding for these offices as well.
- d. The Department-Wide Programs figures include Wildland Fire Management, Central Hazardous Materials Fund, Natural Resource Damage Assessment Fund, and Working Capital Fund. For comparative purposes, figures have been adjusted to reflect the transfer in FY2009 of DOI Wildland Fire Management from the Bureau of Land Management to Department-Wide Programs. The FY2008 figure also includes funding for the Payments in Lieu of Taxes Program (PILT).
- e. This figure includes \$50.0 million in emergency funding in P.L. 111-32, which is not reflected in the two prior FY2009 columns.
- f. Includes a reduction of \$52.0 million in the General Provisions for Title I, which is not reflected in the figures above.
- g. Includes a reduction of \$42.0 million in the General Provisions for Title I, which is not reflected in the figures above.
- h. Includes a reduction of \$40.0 million in the General Provisions for Title I, which is not reflected in the figures above.
- i. Figures generally do not reflect scorekeeping adjustments. The FY2008 total reflects rescissions of \$35.0 million; emergency appropriations of \$1.82 billion; and appropriations of \$26.64 billion, including \$12.7 million in Title IV, General Provisions, not reflected in the column figures above. The FY2009 total reflects omnibus, stimulus, and supplemental appropriations. The FY2010 total reflects appropriations of \$32.39 billion, including \$11.0 million in Title IV, General Provisions, not reflected in the column figures above, and rescissions of \$100.8 million. The FY2011 total reflects appropriations of \$30.44 billion, including \$2.0 million in Title IV, General Provisions, not reflected in the column figures above, and rescissions of \$825.6 million. The FY2012 total reflects appropriations of \$29.40 billion and rescissions of \$166.0 million. The FY2013 request reflects appropriations of \$29.98 billion and rescissions of \$260.0 million. The FY2013

House committee-reported figure reflects appropriations of \$27.82 billion and rescissions of \$160.0 million. It does not reflect an extension of the Payments in Lieu of Taxes Program (PILT), as the Congressional Budget Office no longer scores the bill with the effects of the PILT extension in light of P.L. 112-141.

Figure 1. Appropriations for Interior, Environment, and Related Agencies, by Major Title, FY2008-FY2012



Source: Prepared by CRS based on data from the House Appropriations Committee.

Notes: This figure depicts appropriations enacted for FY2008-FY2012 for each of the three major titles of the annual Interior, Environment, and Related Agencies Appropriations law.

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